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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196299
Party	Defendant Digitalmojo, Inc.
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Date	01/30/2012
Attachments	2012 01 30 Response to Motion to Strike, and Request for Leave to Amend.pdf (4 pages)(84756 bytes) 2011 12 19 Response to PMSJ-Amended.pdf (26 pages)(194491 bytes) 2011 12 19 Response to PMSJ-Amended Declaration of Cook.pdf (7 pages)(102253 bytes) EXHIBIT A to AMENDED DECLARATION OF THOMAS COOK.pdf (23 pages)(884087 bytes) EXHIBIT B to AMENDED DECLARATION OF THOMAS COOK.pdf (12 pages)(2785020 bytes) EXHIBIT C to AMENDED DECLARATION OF THOMAS COOK.pdf (108 pages)(5746843 bytes)

1 **BRIEF**

2 **I. Applicant's Amended Response Complies with Page Limitation Requirements**

3 The Board has discretion to rule on a motion to amend before considering a potentially
4 dispositive motion. There remain genuine issues of material fact and conclusions of law as to
5 whether Digitalmojo's mark CONNECT is likely to be confused with the marks CONNECT
6 PUBLIC RELATIONS and CONNECTPR registered by ConnectPR, as set forth in Applicants
7 Response to Opposer Motion for Summary Judgment. In the interest of justice, Applicant should
8 be allowed to amend its Response to Opposer's Motion for Summary Judgment, so that such
9 issues may be determined. Upon entry of Applicant's Amended Response filed herewith, the
10 Amended Response will comply with the page limitations set forth in 37 CFR §2.127.
11

12 **II. Applicant's Amended Declaration is Admissible**

13 Applicant offered the Declaration of Thomas Cook, which accompanied its Response to
14 Opposer's Motion for Summary Judgment, and Applicant now offers the Amended Declaration of
15 Thomas Cook, which accompanies this Response and supports Applicant's Amended Response to
16 the Motion for Summary Judgment, as the testimony of a percipient witness, and a lay person.
17 Accordingly, both the Declaration of Thomas Cook, and now this Amended Declaration of
18 Thomas Cook are admissible, and the entirety of the Amended Declaration of Thomas Cook
19 should be entered in support of Applicant's Amended Response to Opposer's Motion for
20 Summary Judgment.
21

22 **III. Third-Party Registrations of the Amended Response are of Record after**
23 **Amendment**

24 With this Response, DigitalMojo has requested leave to amend its December 19, 2012,
25 Response to Opposer's Motion for Summary Judgment, and its supporting declaration by Thomas
26 Cook. Upon entry of Applicant's Amended Response, and entry of the Amended Declaration of
27 Thomas Cook in support, copies of certificates of registration of relevant third-party registrations
28 will be made of record, and should be considered on the issue of the distinctiveness of "connect."

1 **IV. Conclusion**

2 Based on the above, DigitalMojo believes entry of its Amended Response and Declaration
3 is appropriate, and DigitalMojo herewith requests leave to amend its December 19, 2012,
4 Response and Declaration, and entry of the Amended Response and supporting Amended
5 Declaration (submitted herewith).

6
7 Respectfully submitted,

8
9 

10 Date: January 30, 2012

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1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that this document is today being submitted via electronic filing utilizing
3 the ESTTA system on:

4
5 Date: January 30, 2012



6 Thomas W. Cook

7
8 **CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. §2.119(a)**

9 I hereby declare:

10 I am over the age of 18 years, and am not a party to the within cause. I am employed in
11 Sausalito, California.

12 My business address is 3030 Bridgeway, Suite 425-430, Sausalito, California. My mailing
13 address is P.O. Box 1989, Sausalito, California.

14 On the date first written below, I served a true copy of the attached document entitled:

15 **APPLICANT'S RESPONSE TO OPPOSER'S MOTION**

16 **TO STRIKE, AND APPLICANT'S REQUEST FOR LEAVE TO AMEND**

17 by placing it in a sealed envelope and depositing it in the United States mail, first class postage
18 fully prepaid, addressed to the following:

19 Clayton, Howarth & Cannon, P.C.
20 P. O. Box 1909
21 Sandy UT 84091-1909
22 Attention: Karl R. Cannon

23 I declare under penalty of perjury that the foregoing is true and correct. Executed at
24 Sausalito, California on January 30, 2012.



25 Thomas Cook

1 **I. INTRODUCTION**

2 ConnectPR has filed this opposition contending its registrations, No. 2,373,504 and No.
3 2,366,850 (collectively, the “CPR Registrations”) control the issue of likelihood of confusion, and
4 therefore whether DigitalMojo is entitled to registration of its mark CONNECT. The CPR
5 Registrations identify services broadly, as set forth in ConnectPR’s Statement of Undisputed Facts
6 in the Motion. In this opposition, ConnectPR has alleged that it owns the CPR Registrations
7 “used in connection with, *inter alia*, marketing and market research and consulting services;
8 public media relations services and sales promotion services.” ConnectPR has further alleged that
9 its has used the marks CONNECT PUBLIC RELATIONS and CONNECTPR (collectively, the
10 “CPR Marks”) in interstate commerce in the United States since at least as early as the dates of
11 first use recited in the CPR Registrations, and is currently using the CPR Marks in interstate
12 commerce, and that it has used the CPR Marks in connection with at least the goods and services
13 recited in the CPR Registrations for the CPR Marks long before the filing date of the DigitalMojo
14 Application.

15 Based on discovery responses produced in this opposition, DigitalMojo believes the CPR
16 Registrations are themselves infirm, and so not a basis upon which ConnectPR prevail in this
17 opposition. DigitalMojo has therefore filed Petitions to Cancel the CPR Registrations on August
18 22, 2011 for the reasons set forth in those cancellation actions (Decl. Cook, ¶ 4). DigitalMojo’s
19 Petitions to Cancel the CPR Registrations have been allocated action numbers 92054427, for
20 CONNECT PUBLIC RELATIONS, and 92054395, for CONNECTPR (collectively, the
21 “Cancellation Actions”). On August 28, 2011, DigitalMojo, in this opposition action, filed its
22 Motion to Consolidate the Cancellation Actions with and into this opposition action (Decl.
23 Cook, ¶ 5). DigitalMojo’s Motion to Consolidate has not yet been decided by the Board.

24 On September 4, 2011, DigitalMojo served discovery on ConnectPR (Decl. Cook, ¶ 6).
25 ConnectPR has responded to these discovery requests by DigitalMojo with evasions, rather than
26 simple answers (Decl. Cook, ¶ 6). DigitalMojo will therefore shortly request ConnectPR fully
27 respond to DigitalMojo’s discovery requests, as full responses from ConnectPR are necessary to
28 gage the scope of ConnectPR’s services actually rendered. If the registrations upon which

1 ConnectPr relies in this opposition are cancelled, or narrowed to accurately identify its services,
2 or if we can reasonably interpret the services ConnectPR has identified in its registrations by
3 reference to the services it actually provides, we can then determine whether those (remaining)
4 services are “related” to the services identified by DigitalMojo in this opposition action (Decl.
5 Cook, ¶ 6).

6 ConnectPR is not entitled to partial summary judgment because there remain genuine
7 issues of material fact and conclusions of law as to whether Digitalmojo’s mark CONNECT is
8 likely to be confused with the marks CONNECT PUBLIC RELATIONS and CONNECTPR
9 registered by ConnectPR. More specifically, ConnectPR is not entitled to partial summary
10 judgment because (1) the facts which might lead to a conclusion of likelihood of confusion have
11 not been demonstrated, (2) ConnectPR is asserting likelihood of confusion based on registrations
12 for which it is not entitled (and which DigitalMojo has therefore filed Petitions to Cancel, and
13 requested joinder), and (3) we cannot conclude based on such undetermined facts and infirm
14 registrations, that the mark CONNECT is likely to be confused with the marks CONNECT
15 PUBLIC RELATIONS and CONNECTPR. Moreover, ConnectPR’s Motion is premature, at the
16 very least, as it has not provided full and reasonable responses to DigitalMojo’s outstanding
17 discovery. DigitalMojo should be given an opportunity to receive and evaluate ConnectPR’s full
18 and reasonable discovery responses before responding to this Motion.

19 20 **II. STATEMENT OF DISPUTED FACTS**

21 ConnectPR has set forth a Statement of Undisputed Facts which is correct so far as it
22 goes, but insufficient by itself to come to the conclusion that the mark CONNECT is likely to be
23 confused with the CPR Marks. ConnectPR’s Statement of Undisputed Facts is incomplete; the
24 facts of this case which remain very much in dispute include:

- 25 a. Whether DigitalMojo’s mark CONNECT is sufficiently similar in sight, sound, or
26 meaning to the registered CPR Marks to create “likelihood of confusion,” in light
27 of the numerous registrations of, and uses of, the word “connect.”
- 28 b. Whether the services identified in this application are related to the services

identified in the CPR Registrations, in light of the narrow scope to which the word “connect” is entitled, given such numerous registrations and uses of the word “connect.”

- a. Whether DigitalMojo’s mark CONNECT is likely to be confused with the CPR Marks in light of the narrow scope to which the word “connect” is entitled, given such numerous registrations and uses of the word “connect.”
- d. Whether DigitalMojo’s services as identified in this application are encompassed by or within ConnectPR’s services as identified in CPR Registrations.
- e. Whether there is a meaningful distinction in offering services to consumers only, as DigitalMojo intends, and offering services to businesses only (which offer services to consumers), as ConnectPR does, such that services offered to consumers are not “related” to the services offered to businesses. Whether ConnectPR has identified its services in the CPR Registrations so as to be “indefinite,” in that U.S. Patent & Trademark Office and the public cannot determine the services with which ConnectPR uses the CPR Marks (if any).

III. LEGAL STANDARD FOR SUMMARY JUDGMENT

DigitalMojo agrees with ConnectPR’s statement of the legal standard for summary judgment.

IV. ARGUMENT

- A. *There is a Genuine Dispute whether the CPR Marks and the Opposed Mark are Substantially Similar in Appearance, Sound, Meaning and Commercial Impression*

The fact that two or more marks may share some similarities is not, by itself, dispositive of the issue of likelihood of confusion. Confusion can be considered unlikely even in a case where, as here, the marks are nearly identical, as long as other factors in the analysis of confusing similarity outweigh the marks’ similarities, such as where there are a significant number of similar marks currently co-existing in the marketplace and on the Register, where the services are different and

1 highly specialized, the relevant consumers are sophisticated, the channels of trade are different,
2 and other factors weigh in favor of the marks' ultimate distinguishability. The test for determining
3 whether two marks are confusingly similar includes the following significant factors, among
4 others: (1) the existence of multiple similar registrations for similar products or services
5 co-existing on the Principal Register; (2) the relatedness of the goods and/or services identified by
6 each mark; (3) the sophistication of the relevant consumers, and the care typically exercised by
7 such consumers in selecting the provider of goods and/or services; and (4) the similarity in the
8 channels of trade. See T.M.E.P. § 1207.01 (2007). The Board must consider these factors, along
9 with other pertinent factors "if relevant evidence is contained in the record." T.M.E.P. § 1207.01
10 (citing *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003)). No one factor is
11 determinative of the likelihood of confusion. Rather, the Board must look at the cumulative effect
12 of the factors. The factors are interrelated and must be considered together as an "amalgam." See
13 *Sun Fun Prods. v. Suntan Resources & Dev., Inc.*, 656 F. 2d 186, 189, 213 U.S.P.Q. 91, 93 (5th
14 Cir. 1981).

15 At the outset, DigitalMojo submits that the ConnectPR's Marks are "weak" and subject
16 only to a very narrow scope of protection because numerous different versions of the CONNECT
17 mark have coexisted and continue to exist on the register with the ConnectPR's Registrations,
18 with no indication of any confusion in the marketplace. The weakness of ConnectPR's Marks is
19 evidenced by the numerous other identical and near identical third-party marks presently
20 co-existing on the USPTO register. (Decl. Cook, ¶ 3) Third-party registrations may be relevant
21 to show that the mark, or a portion of the mark, is so commonly used that prospective purchasers
22 will look to other elements to distinguish the source of the services. T.M.E.P. § 1207.01 (d)(iii).
23 For purposes of this Motion, DigitalMojo requests the Board take judicial notice of the numerous
24 records appearing on its own records for marks which contain the word "connect," and such mark
25 which identify "marketing" and related services.

26 We may gather from such registrations that marks containing the same term(s) have been
27 registered for related goods and services because consumers are accustomed to distinguishing
28 among the marks. *Id.*, 222 U.S.P.Q. 174, 177 (T.T.A.B. 1984). If evidence of third-party use

1 establishes that the consuming public is exposed to third-party use of similar marks on similar
2 goods and services, this evidence "is relevant to show that a mark is relatively weak and entitled
3 to only a narrow scope of protection." *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin*
4 *Maison Fondee en 1772*, 396 F.3d 1369, 1373, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir. 2005). See
5 also *Amstar Corp. v. Domino's Pizza, Inc.*, 615 F.2d 252, 29 Fed.R.Serv.2d 1528, 205 U.S.P.Q.
6 969 (5th Cir., 1980) (finding that 72 third-party registrations for marks containing the term
7 DOMINO but used in various industries limits the scope of rights in the mark to the goods
8 specifically identified in the registration, and thus, sufficient to hold that no likelihood of
9 confusion exists between DOMINO for sugar and DOMINO for pizza, despite the obvious fact
10 that the identical marks are both used for food products purchased by individual consumers).
11 Where a mark is weak and not entitled to a broad scope of protection, other marks can "come
12 closer to [the cited] mark than would be the case with a strong mark without violating [the
13 party's] rights." *Kenner Park Toys, Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353, 22
14 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1992) (quoting *Sure-Fit Prods. Co. v. Saltzson Drapery Co.*,
15 254 F.2d 158, 160, 117 U.S.P.Q. 295, 296 (C.C.P.A. 1958)).

16 DigitalMojo asserts that third-party registrations clearly support the argument that
17 identical CONNECT marks can - and do - coexist on the USPTO web site for use in connection
18 with goods and services that are far more closely related than the services provided by
19 DigitalMojo and ConnectPR. Indeed, many of these commonplace products and services are sold
20 to everyday consumers (in contrast to ConnectPR's specialized services and sophisticated business
21 customers) yet the PTO has nonetheless concluded that there is no likelihood of confusion
22 between these prior "connect" marks.

23 The number of "CONNECT" marks coexisting on the USPTO web site greatly limit the
24 scope of protection granted to the Registrant (as well as other registrants) in the term
25 "CONNECT," and renders it unlikely that customers will be confused by DigitalMojo's mark
26 when considering the services offered by ConnectPR and those offered by DigitalMojo. Just as in
27 the *Amstar* case (permitting the DOMINO mark to coexist for both sugar and pizza), the
28 existence of so many registered "CONNECT" marks limits the scope of rights in the ConnectPR's

1 Mark, and renders it unlikely that customers would be confused by the registration of
2 DigitalMojo's Mark, particularly since the customers for the services of ConnectPR are, by its
3 own statements, all sophisticated, careful customers spending significant sums of money to
4 employ ConnectPR's expensive, "business" marketing services - far more so than the individual
5 consumers purchasing household services and social and business networking services offered by
6 DigitalMojo.

7 DigitalMojo specifically notes here that ConnectPR does not discuss similar marks,
8 whether registered, or merely used without registration. Mr. Neil Myers, ConnectPR's "founder
9 and President," for instance, limits his discussion to perceptions about how ConnectPR's
10 customers perceive the term "connect," and about the broad use of other terms within
11 ConnectPR's industry. ConnectPR's "expert," Dr. Glenn L. Christensen, also does not mention
12 any similar marks, whether registered or simply used. Dr. Christensen does correctly opine
13 "When conducting an analysis of any trademark, the whole mark in its totality must be considered
14 in forming an opinion." Christensen Aff. ¶ 15. However, he then goes on to discuss "dominant
15 portions" of marks, and then provides, in the next sentence, his opinion "that the dominant, initial
16 portion 'connect' of the word mark [without saying which word mark] is the aspect of the mark
17 [again without saying which word mark] customers will rely on as a source identifier."

18 DigitalMojo asserts any "analysis" of confusing similarity between marks which ignores
19 the distinctiveness of the words of the compared marks said to be "highly similar" is
20 fundamentally flawed, and incomplete. The distinctiveness of the word CONNECT in this
21 opposition is a disputed issue, central to the question of likelihood of confusion (and controlling in
22 DigitalMojo's view). DigitalMojo also asserts "analysis" of confusing similarity between marks
23 which lacks a discussion of the "sophistication" of prospective purchasers is also flawed and
24 incomplete. Such discussion is necessary to any determination of whether the services of
25 DigitalMojo are "related" to those of ConnectPR. For these reasons, the affidavits by Meyers and
26 Christensen submitted by ConnectPR with its Motion fail to consider factors necessary to forming
27 a reasonable opinion. Such affidavits should be considered by the Board merely self-serving
28 statements, and without value in deciding the Motion. The distinctiveness of the word

1 CONNECT in this opposition is a disputed issue, central to the question of likelihood of
2 confusion (and controlling in DigitalMojo's view).

3 With these comments on the "weakness" of ConnectPR's Marks, and the resultant
4 "narrow scope of protection" to which such weak marks are entitled (particularly given the
5 sophistication of ConnectPR's clients), DigitalMojo turns to ConnectPR's argument about the
6 similarity between DigitalMojo's mark CONNECT and the CPR Marks.

7
8 1. There is a Genuine Dispute Whether the Opposed Mark is Sufficiently
9 Similar in Appearance, Sound, Connotation and Commercial Impression to
10 ConnectPR's CONNECT PUBLIC RELATIONS Mark

11 In discussing the similarity between DigitalMojo's mark CONNECT and the CPR Marks,
12 ConnectPR asserts the word "connect" is the "dominant" feature in ConnectPR's mark
13 CONNECT PUBLIC RELATIONS. ConnectPR goes on to cite cases which support what is
14 commonly known as the "first word rule." However, this general rule also should not be
15 mechanically applied when comparing marks, without consideration of the effect of the additional
16 words of each mark on overall commercial impression. In fact, the "first-word" test is not a
17 general principle without controversy; some courts reject it and judge each mark as a whole:

18 "...[A] number of courts have rejected the first-word test as one amenable to broad
19 application, preferring to decide each case upon its own facts. See, e.g., *Glenmore*
20 *Distilleries Co. v. National Distillers Products Corp.*, 101 F.2d 479 (4th Cir. 1939).
21 My own preference is for the latter view in light of the general rule that similarity is
22 to be judged by consideration of each mark as a whole." See generally 3 *Callmann,*
23 *Unfair Competition and Trade-Marks* § 81.1, at 1378-81 (2d ed. 1950). The
24 first-word rule is helpful only to the extent that it may be considered in assessing the
25 public reaction to a particular mark. [*MR. TRAVEL, INC., v. V.I.P. TRAVEL*
26 *SERVICE, INC.*, No. 65 C 1409. United States District Court, N.D. Illinois, E.D.
27 Dec. 14, 1966.]

28 Given the narrow scope of protection to which the word "connect" is entitled, we cannot
fairly come to the conclusion that the word "connect" is the dominant feature in ConnectPR's
mark CONNECT PUBLIC RELATIONS. Instead, it is appropriate in this case to analyze
likelihood of confusion in light of each word within ConnectPR's mark (i.e., each mark as a
whole). It is well settled that a mark should not be dissected, but rather must be considered as a
whole in determining likelihood of confusion. *Franklin Mint Corp. v. Master Manufacturing Co.*,

1 667 F.2d 1005, 212 USPQ 233, 234 (CCPA 1981). We see exceptions to the general rule
2 regarding additions or deletions to the “dominant portion” when: (1) the marks in their entireties
3 convey significantly different commercial impressions; or (2) the matter common to the marks is
4 not likely to be perceived by purchasers as distinguishing source because it is merely descriptive
5 or diluted [TMEP]1207.01(b)(iii).

6 DigitalMojo asserts its mark CONNECT and the ConnectPR CONNECT PUBLIC
7 RELATIONS mark fall within both of these exceptions to this general rule, as DigitalMojo’s mark
8 conveys a significantly different commercial impression than ConnectPR’s Marks when each mark
9 is considered in its entirety, and with due regard to the non-distinctiveness and descriptiveness of
10 the word “connect.” The word common to these marks, i.e., “connect,” is not likely to be
11 perceived by purchasers as distinguishing source because it is merely descriptive or diluted.
12 DigitalMojo submits that it is highly unlikely that the use of its mark would cause any confusion
13 among the myriad of CONNECT marks, and in particular with the CONNECT PUBLIC
14 RELATIONS mark of ConnectPR. In any case, however, the question of likelihood of confusion
15 cannot be determined without addressing the issue of the distinctiveness of the word “connect.”
16 And distinctiveness of “connect” will depend on the number of marks which contain this word,
17 both registered and used by others, facts which have not been addressed by ConnectPR in its
18 Motion, or by its officer Meyers, or by its “expert” Christensen, in their Affidavits in support of its
19 Motion.

20 2. There is a Genuine Dispute whether the Opposed Mark is Highly Similar in
21 Appearance, Sound, Connotation and Commercial Impression to
ConnectPR’s CONNECTPR Mark

22 In discussing the similarity between DigitalMojo’s mark CONNECT and the CPR Marks,
23 ConnectPR also asserts the word “connect” is the “dominant” feature in ConnectPR’s mark
24 CONNECTPR, again on the basis of the “first word rule.” Again, DigitalMojo asserts it is
25 appropriate in this case to analyze likelihood of confusion in light of each word within
26 ConnectPR’s mark (i.e., each mark as a whole), as a mark should not be dissected but rather must
27 be considered as a whole in determining likelihood of confusion.

28 The analysis of similarity between CONNECT and CONNECTPR proceeds as it does

1 with the analysis of similarity between CONNECT and CONNECT PUBLIC RELATIONS set
2 forth above. DigitalMojo's mark CONNECT conveys a significantly different commercial
3 impression than ConnectPR's CONNECTPR mark when each of these marks are considered in
4 their entirety; the word common to these marks, i.e., "connect", is not likely to be perceived by
5 purchasers as distinguishing source because it is merely descriptive or diluted. Again, the
6 question of likelihood of confusion cannot be determined without addressing the issue of the
7 distinctiveness of the word "connect." And distinctiveness of "connect" will depend on the
8 number of marks which contain this word, both registered and used by others, facts which have
9 not been addressed by ConnectPR in its Motion, or by its officer Meyers, or by its "expert"
10 Christensen, in their Affidavits in support of its Motion.

11 *B. There is a Genuine Dispute whether the Services Identified in the Registrations of*
12 *the CPR Marks and the Services Identified in the Application for the Opposed*
13 *Mark are Identical or Related Under the Second DuPont Factor*

14 ConnectPR asserts likelihood of confusion may be found (assuming the marks are
15 sufficiently similar in sight, sound, or meaning) when the respective services of the parties are
16 related in some manner, and/or that the conditions and activities surrounding the marketing of the
17 services are such that they would or could be encountered by the same persons under
18 circumstances that could, because of the similarity of the mark, give rise to the mistaken belief
19 that they originate from the same source. DigitalMojo agrees this is the proper test. However,
20 the factual questions we must answer to decide whether DigitalMojo's services are related to
21 ConnectPR's services are questions which, when answered, assist us to define the markets of
22 ConnectPR and DigitalMojo. These questions include questions such as "who receives our
23 marketing materials," and "how do we reach our market."

24 ConnectPR does not in its Motion address these kinds of questions, or any questions
25 which assist us in identifying its markets, or the markets to be served by DigitalMojo. This failure
26 to address these questions results directly from ConnectPR's failure to address the limitations set
27 forth in DigitalMojo's application for the mark CONNECT, and the limitations set forth in the
28 identifications of services found in the CPR Registrations. Instead of fairly considering all the

1 wording of these identifications, ConnectPR selects certain words because they are common to
2 these identifications, and ignores other “limiting” words found in all identifications. Moreover,
3 ConnectPR does not address the very real distinction between offering services directly to
4 consumers, as DigitalMojo’s limitations imply for the services DigitalMojo has identified, and
5 offering services to businesses, as ConnectPR’s limitations imply for its registrations. These
6 subjects we will address below in more detail, particularly as the identified services offered under
7 DigitalMojo’s “consumer facing” mark (services offered to consumers under the mark
8 CONNECT) differs, given the full text of the identification of services for this application, from
9 the identified services found in the CPR Registrations.

10 Before we address specific services, however, we again note that any “analysis” of
11 whether the services identified by DigitalMojo in its application for CONNECT are “related” to
12 the identified services in the CPR Registrations which ignores the distinctiveness of the words of
13 the compared marks, and also ignores the sophistication of those who purchase DigitalMojo’s and
14 ConnectPR’s services, is fundamentally flawed, and incomplete. The distinctiveness of the word
15 CONNECT in this opposition is a disputed issue, central to the question of likelihood of
16 confusion (and controlling in DigitalMojo’s view). The question of likelihood of confusion
17 cannot be determined without addressing the issue of the distinctiveness of the word “connect.”
18 And distinctiveness of “connect” will depend on the number of marks which contain this word,
19 both registered and used by others, facts which have not been addressed by ConnectPR in its
20 Motion, or by its officer Meyers, or by its “expert” Christensen, in their Affidavits in support of its
21 Motion.

22 **a. Opposed Services: “Business marketing services in the nature of agency**
23 **representation of companies marketing a variety of services to home owners and**
24 **renters, namely, utility hook-ups, telecommunication services, home security**
services, home warranties, home and yard maintenance, furniture and appliance
rental”

25 Turning to ConnectPR’s first “analysis” of the identification of DigitalMojo’s services in
26 light of the identification of ConnectPR’s services, ConnectPR asserts that “...the wording
27 ‘marketing ...services’ is nearly identical to DigitalMojo’s wording of “business marketing
28 services.” ConnectPR’s characterization with the words “nearly identical” misses the mark,

1 however, as it fails to address the additional, descriptive wording for both ConnectPR's identified
2 services and DigitalMojo's identified services. In the following analysis, because ConnectPR's
3 selective use of words results in a comparison by ConnectPR of only those words of its
4 registration it wishes to emphasize, we *add back* the words ConnectPR has identified in its
5 registration, but not thought important enough to mention in this Motion, and *add back* the words
6 DigitalMojo uses in this application.

7 ConnectPR's "**marketing** and market research and consulting **services**; public and media
8 relations services and sales promotion services" (ConnectPR's emphasized words in **bold**) are on
9 their face services directed to businesses. The obvious import from such words is that such
10 businesses, utilizing the services of ConnectPR, are assisted in their marketing efforts. That is,
11 such businesses are assisted in presenting *their* marks (i.e., the marks of ConnectPR's clients) to
12 the consuming public. Under such circumstances, the CPR Marks are not presented to the
13 consuming public, but only to ConnectPR's business clients; the whole idea for ConnectPR is to
14 create a larger, better commercial impression for the marks of its clients.

15 DigitalMojo's "**Business marketing services** in the nature of agency representation of
16 companies marketing a variety of services to home owners and renters, namely, utility hook-ups,
17 telecommunication services, home security services, home warranties, home and yard
18 maintenance, furniture and appliance rental" (ConnectPR's emphasized words in **bold**) are on
19 their face services directed to "consumers" (that is, those who utilize the services of businesses).
20 The obvious import from such words is that such consumers, utilizing the services of DigitalMojo,
21 are assisted in their efforts to find the right business to supply the desired services (e.g., "utility
22 hookups") those consumers desire. That is, consumers seeking services are assisted in their
23 search when they find DigitalMojo using its mark CONNECT, which is presented to the
24 consuming public, to eventually find the business which will supply the desired service. ¹ Under
25 such circumstances, DigitalMojo's mark CONNECT is presented only to the consuming public;

27 ¹ "Consumer is a broad label for any individuals or households that use goods generated within the economy."
28 <http://en.wikipedia.org/wiki/Consumer>

1 the whole idea for DigitalMojo is to create an efficient conduit, using its mark CONNECT, from
2 consumers, with their needs, to the businesses which can satisfy those consumer needs, by
3 presenting CONNECT to such consumers (only).²

4 Turning to the Affidavits of Myers and Christensen attached to ConnectPR's Motion, we
5 see "analysis" of whether the services identified by DigitalMojo in its application for CONNECT
6 are "related" to the identified services in the CPR Registrations, which analysis ignores the
7 distinctiveness of the word "connect," and the sophistication of those who perceive these marks.
8 Each such Affidavit is therefore fundamentally flawed, and incomplete. Moreover, Myers exhibits
9 confusion about the distinction between "consumers," on the one hand, and ConnectPR's clients,
10 on the other hand. Myers Aff., ¶21. We can see this most clearly by referring to Myers' attached
11 Exhibit A, which purports to be a proposal to a telecommunications company, "Utopia," complete
12 with sections titled "Executive Summary," and "Project Goals," and the like. "Utopia" is
13 manifestly not a "consumer" seeking services. Yet, after referring to Utopia as one to whom
14 "ConnectPR has actually offered and provided its services...", Myers goes on to conclude "there
15 exists a very real risk that *consumers* may encounter, and be confused by, DigitalMojo's
16 CONNECT mark since ConnectPR is already targeting some of the same *consumers* specified in
17 DigitalMojo's application" (emphasis added).

18 Christensen (rightly) avoids the word "consumers," in favor of the word "customers."
19 Christensen Aff. ¶32. However, Christensen uses the word "clients" when discussing
20 DigitalMojo's identification of services. That is, Christensen opines, based on only a portion of
21 the wording of DigitalMojo's identification, that DigitalMojo provides its "clients" with "business
22 marketing services." However, DigitalMojo's presents its mark DIGITALMOJO to its "clients"
23 (businesses) as it offers its "marketing" services; DigitalMojo presents its mark CONNECT to
24 consumers to identify the source of "utility hookups," and like wording in DigitalMojo's
25 identification that Christensen also ignores. In any event, the Board is responsible for the factual
26

27
28 ² We note here that DigitalMojo's mark CONNECT goes before the consuming public, while its corporate name
DigitalMojo, Inc. is the name it presents to businesses.

1 findings under the relevant du Pont factors and the ultimate determination of likelihood of
2 confusion, and it will not substitute the opinion of a witness, even an expert witness, for its
3 evaluation of the facts. *Edwards Lifesciences Corp. v. VigiLanz Corp.*, 94 USPQ2d 1399, 1402
4 (TTAB 2010).

5 DigitalMojo asserts that the opinions of Myers and Christensen comprise “analysis” of
6 words selected from the identifications of services found in the CPR Registrations, and in this
7 application, and not based on the entire identifications of either ConnectPR or DigitalMojo.
8 These flawed “analysis” therefore leave open the question of: “To whom are ConnectPR and
9 DigitalMojo addressing their services, and how do ConnectPR and DigitalMojo reach their
10 respective markets?” As a result, we cannot use the statements of Myers and Christensen to
11 determine whether DigitalMojo’s services as identified are a specific “subset, subtype, form or
12 subcategory” (in the words of Christensen) of ConnectPR’s services as identified.

13 ConnectPR compounds its misreading as it continues with the “analysis” of
14 telecommunication services, when it states it “has actually offered services to companies
15 providing telecommunication services as recited in the opposed services.” The operative (but
16 again ignored) words of “the opposed services” here are: “...marketing a variety of services to
17 home owners and renters, namely, utility hook-ups, telecommunication services...” Manifestly,
18 “companies providing telecommunications services” are not “home owners,” and such services are
19 therefore likely not related. In any case, we cannot conclude from such faulty comparison, as
20 ConnectPR does, that “there exists are [sic] very real risk that consumers may encounter, and be
21 confused by, DigitalMojo’s CONNECT marks [sic] since ConnectPR is already targeting some of
22 the same consumers specified in DigitalMojo’s application.” Aff. Meyers ¶ 21. Note here that
23 ConnectPR’s statement “targeting some of the same consumers” directly contradicts ConnectPR’s
24 statement “offered services to companies providing telecommunications services,” and by its
25 identification DigitalMojo is targeting “home owners and renters,” and not businesses.

26 ConnectPR continues with its “analysis” of its identification of class 16 goods quite along
27 the lines of its “analysis” of “business marketing services.” However, in this case, ConnectPR
28 does not even specifically identify the exact words which offend it so in DigitalMojo’s

1 identification. Presumably ConnectPR is saying its “...reports, press kits and brochures in the
2 fields of market research and consulting...” are “complementary” to DigitalMojo’s services
3 marketed “to home owners and renters.” But ConnectPR does not say how “press kits” might be
4 useful to home owners and renters; we cannot come to any meaningful conclusion on the basis of
5 such “analysis.”

6 In its Motion, ConnectPR proceeds with a litany of correspondences between the words
7 of the services identified by ConnectPR in the CPR Registrations, and the words of the services
8 identified in this application. In each such case, ConnectPR parallels the argument it advances in
9 its Section “a” regarding its identified “marketing...services.” However, in each such case
10 ConnectPR’s argument suffers from the same faulty characterization of ConnectPR’s wording
11 “marketing ...services” as “nearly identical” to DigitalMojo’s wording of “business marketing
12 services” (but using such words as “falls within” and “subset of” and “encompass”). The faulty
13 characterizations arise directly out of ConnectPR’s failure to address the additional, descriptive
14 wording found within ConnectPR’s identified services (the CPR Registrations) and DigitalMojo’s
15 identified services (this application). That purposefully ignored additional wording is necessary to
16 understand that ConnectPR is directing its services to *businesses*, while DigitalMojo will be
17 directing its services to *consumers*.

18 Further, ConnectPR throughout uses words such as “falls within” and “subset of” and
19 “encompass,” in an attempt to demonstrate DigitalMojo’s services are “related to” ConnectPR’s
20 services, entirely without addressing the markets served by either company, or their channels of
21 trade. Such an attempt does not meet the requirements of the test ConnectPR says applies in this
22 case.³ In the following paragraphs, numbered as they are in ConnectPR’s Motion, DigitalMojo
23 specifically points to the words ConnectPR uses in its “analysis” of likelihood of confusion,
24 instead of the correct test:

25
26
27 ³ Recall ConnectPR asserts in its Motion that likelihood of confusion may be found when the respective services
28 of the parties are related in some manner, and/or that the conditions and activities surrounding the marketing of the
services are such that they would or could be encountered by the same persons under circumstances that could, because of
the similarity of the mark, give rise to the mistaken belief that they originate from the same source.

1 **b. Opposed Services: “Comparative marketing and advertising services for providers**
2 **of residential and business telecommunications services, namely, for providers of**
3 **broadband cable, DSL, fiber-optic and satellite Internet access services, cable and**
4 **satellite television, voice over IP, and long-distance telephone services”**

5 ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services are “nothing
6 more than a subset” of ConnectPR’s services - Since ConnectPR does not consider who is
7 receiving the marketing materials of these companies, and how these markets are reached
8 (channels of trade), it fails to apply the test for confusing similarity it cites. CPR’s evidence:
9 the self-serving statements of ConnectPR’s officer Meyers, and the opinion of ConnectPR’s
10 “expert” Christensen, neither of which mention the distinctiveness of the word “connect,” or the
11 sophistication of ConnectPR’s clients.

12 **c. Opposed Services: “Operation of telephone call centers for others”**

13 ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services are “nothing
14 more than a subset” of ConnectPR’s services. - ConnectPR again fails to apply the test for
15 confusing similarity it cites. ConnectPR’s evidence: the faulty analysis of Meyers and Christensen.

16 **d. Opposed Services: “Marketing of high speed telephone, Internet, and wireless**
17 **access, and directing consumers to access providers”**

18 ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services are “nothing
19 more than a subset” of ConnectPR’s services - ConnectPR again fails to apply the test for
20 confusing similarity it cites. ConnectPR’s evidence: the faulty analysis of Meyers and Christensen.

21 **e. Opposed Services: “Providing an online directory information service featuring**
22 **information regarding, and in the nature of, classifieds”**

23 ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services “all fall within,
24 or are related to” ConnectPR’s services - ConnectPR again fails to apply the test for confusing
25 similarity it cites (and uses what must be determined, i.e., “related to” as its analysis).
26 ConnectPR’s evidence: the faulty analysis of Meyers and Christensen.

27 **f. Opposed Services: “Advertising and information distribution services, namely,**
28 **providing classified advertising space via the global computer network”**

ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services are “simply a
subset” of ConnectPR’s services - ConnectPR again fails to apply the test for confusing similarity

1 it cites. ConnectPR's evidence: the faulty analysis of Meyers and Christensen.

2 **g. Opposed Services: "Promoting the goods and services of others over the Internet"**

3 ConnectPR's "analysis" of likelihood of confusion: DigitalMojo's services "fall within, or
4 are related to" ConnectPR's services - ConnectPR again fails to apply the test for confusing
5 similarity it cites (and uses what must be determined, i.e., "related to" as its analysis).

6 ConnectPR's evidence: the faulty analysis of Meyers and Christensen.

7
8 **h. Opposed Services: "Providing online computer databases and on-line searchable
databases featuring classified listings and want ads"**

9 ConnectPR's "analysis" of likelihood of confusion: DigitalMojo's services "are a form of"
10 ConnectPR's services - ConnectPR again fails to apply the test for confusing similarity it cites.

11 ConnectPR's evidence: the faulty analysis of Meyers and Christensen.

12 **i. Opposed Services: "Online business networking services"**

13 ConnectPR's "analysis" of likelihood of confusion: DigitalMojo's services "fall within"
14 ConnectPR's services - ConnectPR again fails to apply the test for confusing similarity it cites.

15 ConnectPR's evidence: the faulty analysis of Meyers and Christensen.

16 **j. Opposed Services: "Providing an online interactive website obtaining users
17 comments concerning business organizations, service providers, and other
resources"**

18 ConnectPR's "analysis" of likelihood of confusion: DigitalMojo's services "fall within, or
19 are related to" ConnectPR's services - ConnectPR again fails to apply the test for confusing
20 similarity it cites (and uses what must be determined, i.e. "related to," as its analysis).

21 ConnectPR's evidence: the faulty analysis of Meyers and Christensen.

22 **k. Opposed Services: "Providing information, namely, compilations, rankings, ratings,
23 reviews, referrals and recommendations relating to business organizations, service
providers, and other resources using a global computer network"**

24 ConnectPR's "analysis" of likelihood of confusion: DigitalMojo's services "fall within, or
25 are related to" ConnectPR's services, and DigitalMojo's services are "part and parcel" ⁴ of

26
27
28 ⁴ With the words "part and parcel," we begin to suspect ConnectPR will not address the test for likelihood of
confusion anywhere in its Motion. Instead ConnectPR prefers to make up tests "on the fly" as it conducts its "analysis."

1 ConnectPR's services - ConnectPR again fails to apply the test for confusing similarity it cites.

2 ConnectPR's evidence: the faulty analysis of Meyers and Christensen.

3 **l. Opposed Services: "Providing online chat rooms for registered users for**
4 **transmission of messages concerning classifieds, virtual community and social**
5 **networking"**

6 ConnectPR's "analysis" of likelihood of confusion: "DigitalMojo's services and
7 ConnectPR's services encompass the transmission of electronic messages." - ConnectPR again
8 fails to apply the test for confusing similarity it cites. The faulty analysis inherent in focusing on
9 only some words in an identification is starkly apparent when considering all those who provide
10 services which "encompass the transmission of electronic messages." For instance, AT&T (as a
11 "conduit" for such messages) and attorney's at the USPTO (as they email applicants) and sellers
12 of olive oil (responding to sales enquiries) each provide service which "encompass the
13 transmission of electronic messages" within the meaning of ConnectPR. ConnectPR's evidence:
14 the faulty analysis of Meyers and Christensen.

15 **m. Opposed Services: "Providing on-line chat rooms and electronic bulletin boards for**
16 **transmission of messages among users in the field of general interest"**

17 ConnectPR's "analysis" of likelihood of confusion: "DigitalMojo's services and
18 ConnectPR's services encompass the transmission of electronic messages" (after describing
19 DigitalMojo's services as "nothing more than a subset" of ConnectPR's services, and asserting
20 DigitalMojo's services "fall within, or are related to" ConnectPR's services) - ConnectPR again
21 fails to apply the test for confusing similarity it cites. ConnectPR's evidence: ConnectPR makes
22 this argument without offering any evidence, either by way of the self-serving statements of
23 ConnectPR's officer Meyers, or the opinion of ConnectPR's "expert" Christensen.

24 **n. Opposed Services: "Providing email and instant messaging services"**

25 ConnectPR's "analysis" of likelihood of confusion: DigitalMojo's services "fall within, or
26 are related to" ConnectPR's services - ConnectPR again fails to apply the test for confusing
27 similarity it cites (and uses what must be determined, i.e. "related to," as its analysis).
28 ConnectPR's evidence: ConnectPR makes this argument without offering any evidence.

1 **o. Opposed Services: “Computer services, namely, creating an on-line community for**
2 **registered users to participate in discussions, get feedback from their peers, form**
3 **virtual communities, and engage in social networking”**

4 ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services are “simply a
5 subset” of ConnectPR’s services - ConnectPR again fails to apply the test for confusing similarity
6 it cites. ConnectPR’s evidence: the faulty analysis of Meyers and Christensen.

7 **p. Opposed Services: “On-line social networking services”**

8 ConnectPR’s “analysis” of likelihood of confusion: DigitalMojo’s services are “nothing
9 more than a subset” of, and “fall within, or are related to” ConnectPR’s services - ConnectPR
10 again fails to apply the test for confusing similarity it cites. ConnectPR’s evidence: the faulty
11 analysis of Meyers and Christensen.

12 ConnectPR has up to this point in its Motion relied entirely on the words of the
13 identifications of services in DigitalMojo’s application and in ConnectPR’s registrations.
14 DigitalMojo has pointed out ConnectPR’s error in analysis, as ConnectPR consistently misses the
15 *factual* determinations concerning the nature of the services encompassed by such identifications.
16 ConnectPR’s errors proceed in at least two ways:

17 ConnectPR begins by focusing on what appears to be for ConnectPR the almost magical
18 words “marketing...services” (later on “promotional” and other words). The notion appears to be
19 that all “marketing” is related to all other “marketing.” However, the “marketing...services”
20 words ConnectPR finds so magical appear to be not so magical after all, as identical wording in
21 ConnectPR’s later application for CONNECT MARKETING has been refused by the examining
22 attorney handling that application because such wording is “indefinite.” Cook Decl. ¶ 7. This
23 refusal implies the wording ConnectPR has used in its later application, and the identical wording
24 ConnectPR relies upon in its Motion, is too broad. That is, there exist different kinds of
25 marketing, such that some kinds of marketing is not related to other kinds of marketing. In each
26 case in which ConnectPR is relying solely upon its magical words (“marketing” or “promotion” or
27 other words), DigitalMojo asserts that the ConnectPR cannot, simply by stating it is “marketing,”
28 demonstrate that its marketing services encompass all kinds of marketing. This is particularly true
where, as in this case, the only word common to DigitalMojo’s mark and ConnectPR’s mark,

1 CONNECT, is used by, literally, thousands of others (many of which are providing
2 “marketing...services”). Cook Decl. ¶ 3.

3 In its Motion, ConnectPR also compares the identifications of services set forth in its
4 registrations and in DigitalMojo’s application in order to establish the “fact” that DigitalMojo’s
5 services are related to those of ConnectPR. However, building on its perception that “all
6 marketing is related,” ConnectPR focuses on only selected words within such identifications, and
7 advances those selected words for consideration by the Board, while ignoring other words in
8 those identifications. DigitalMojo asserts ConnectPR cannot factually establish the scope of its
9 registrations, or the scope of DigitalMojo’s application, unless ConnectPR considers each
10 identification as written, and not just as ConnectPR would like them to be considered. For this
11 reason, these remain disputed facts in this case:

12 i. Whether DigitalMojo’s services as identified are “encompassed by” or “fall
13 within” or are “a subset” of ConnectPR’s services as identified, and whether such wording is
14 sufficient to find “relatedness” in light of the test for “relatedness” ConnectPR cites.

15 ii. Whether the services identified in the application for the mark CONNECT
16 are related to the services identified in the CPR Registrations.

17 iii. Whether DigitalMojo’s mark CONNECT is likely to be confused with the
18 CPR Marks in light of the narrow scope to which the word “connect” is entitled, given the
19 numerous registrations of, and uses of the word “connect” in marks held by others, for services
20 which are the same as, or related to, the services of ConnectPR.

21 c. *There is a Genuine Dispute that the Goods/Services of the CPR Marks and the*
22 *Opposed Mark Travel Through the Same Channels of Trade and Have the Same*
Class of Customer.

23 With its assertion that “the Goods/Services of the CPR Marks and the Opposed Mark
24 Travel Through the Same Channels of Trade and Have the Same Class of Customer,” ConnectPR
25 comes to the heart of the question of likelihood of confusion in DigitalMojo’s view. ConnectPR
26 asserts the Channels and Customers are the same; DigitalMojo asserts the Channels and
27 Customers are different. ConnectPR relies entirely on the identifications of services contained in
28 its registrations.

1 The Board cannot make any determination on relatedness based on ConnectPR's cited
2 registrations, without also determining what the identifications of services of those registrations
3 mean as written. However, ConnectPR has not in its Motion, and not in its settlement
4 communications, ever considered the scope of its registrations except as ConnectPR has argued
5 them in its Motion here. Given ConnectPR's broad interpretation of its own registrations to
6 cover what appears to be unrelated services, DigitalMojo must and has questioned whether
7 ConnectPR's registrations identify services proper in scope. Given ConnectPR's interpretation of
8 its registrations, DigitalMojo must also question whether ConnectPR has actually used its marks
9 for all the services ConnectPR says it has provided. For instance, ConnectPR asserts it "has
10 actually offered and provided the services of promoting the goods and services of others over the
11 Internet" (Myers Aff. ¶ 24). However, discovery documents show ConnectPR has actually
12 provided the services of assisting ConnectPR's *clients* to promote the *client's* goods and services
13 over the Internet under the *client's* marks, and nothing in such documents show ConnectPR has
14 used *ConnectPR's marks* to offer or provide the services of promoting the goods and services of
15 its clients over the Internet (Cook Decl. ¶ 8). This distinction is of course much more than
16 ConnectPR can merely gloss over when it asserts the identifications of DigitalMojo and
17 ConnectPR "are worded slightly differently" (Myers Aff. ¶ 20). While this distinction appears to
18 be lost on ConnectPR, the difference in identifications clearly and directly points to different
19 markets, DigitalMojo's services supplied to, and directed to, consumers, on the one hand, and
20 ConnectPR's business clients, which then supply services and goods to consumers under *their*
21 marks, on the other hand.

22 The same difference in (separated) markets may be inferred from ConnectPR's description
23 of its services in its objection to DigitalMojo's "online business networking services." Here,
24 ConnectPR says "online business networking may occur through online marketing and public
25 relations campaigns, including online blogs, social media, and content posting on websites."
26 (Myers Aff. ¶ 25). Reading this statement of ConnectPR's business carefully, we hear ConnectPR
27 state its business, "public relations campaigns" (for its clients, we must infer), which include
28 blogs, social media, and content posting on web sites. In other words, the clients of ConnectPR

1 (or perhaps ConnectPR for its clients) will market the *client's* services under the *client's* marks
2 using "online blogs, social media, and content posting on websites," within public relations
3 campaigns directed by or conducted by ConnectPR. In these public relations campaigns,
4 ConnectPR's marks do not appear in its clients blogs, social media, or content posting.
5 ConnectPR's marks only appear to ConnectPR's business clients. Such public relations
6 campaigns are very different from, for instance, the service provided by Linked In, a company
7 which provides "online business networking services" to consumers of such services, in a fashion
8 similar to that identified by DigitalMojo in this application.

9 ConnectPR's "expert" regarding DigitalMojo's "comparative marketing and advertising
10 services," expressly concludes "Opposer is currently and Applicant is planning to target and serve
11 the same customer segments." (Christensen Aff. ¶ 34) However, this conclusion does not follow
12 from the identifications of the services of DigitalMojo and ConnectPR. More specifically, and
13 putting aside the fact that this experts extracts only a portion of DigitalMojo's identification for
14 this comparison of services, ConnectPR's expert mentions two of ConnectPR's clients as part of
15 ConnectPR's "customer segments." On its face, this means ConnectPR will provide its services
16 to these clients, presumably so these clients can provide "comparative marketing" information
17 under these clients' mark to consumers of such services, or at least put these clients' marks in a
18 good position when others provide "comparative marketing" information. Consistent with every
19 other description of ConnectPR's services found in its Motion, we can most easily infer from this
20 that ConnectPR's marks are presented to its clients, but such marks are never put in front of any
21 consumers of any of the telecommunications services found in these identifications (as
22 DigitalMojo intends, and identifies in its application). It is therefore consumers of these services
23 which are DigitalMojo's "customer segment," not the business which supply these services, and
24 such consumers will see DigitalMojo's mark CONNECT (and the marks of telecommunications
25 providers) as it supplies these services.

26 In efforts to determine the scope of ConnectPR's services, DigitalMojo has taken three
27 steps:
28

1 1. Since ConnectPR is relying entirely on the identifications of its
2 registrations, and will not consider the scope of those registrations except for the “magical words”
3 contained therein, and except by ignoring words which do not support ConnectPR’s conclusions,
4 DigitalMojo has filed the Cancellation Actions to cancel the CPR Registrations which identify
5 (amongst other services) “marketing...services.” (Cancellation Action Numbers 92054427 and
6 92054395 ; see Cook Decl ¶ 4).

7 2. DigitalMojo has also, prior to the filing of ConnectPR’s Motion, requested
8 the Board consolidate Cancellations 92054427 and 92054395 with and into this opposition. With
9 such consolidation, we may in a single proceeding determine, amongst other things, whether
10 ConnectPR is using its marks broadly, as ConnectPR characterizes its services in this Motion, or
11 whether ConnectPR is providing a more narrow set of services, and is in this action merely
12 asserting its services broadly to unfairly prevent registration by DigitalMojo. It would be
13 premature to find in favor of ConnectPR without determining how to read ConnectPR’s
14 identifications.

15 3. In this opposition, DigitalMojo also served discovery on ConnectPR on
16 September 4, 2011, in the form of APPLICANT’S INTERROGATORIES, SET THREE and
17 APPLICANT’S REQUEST FOR ADMISSIONS, SET TWO. DigitalMojo’s discovery includes
18 a series of questions about ConnectPR’s services, and its activities, as it provides (amongst other
19 services) “marketing...services.” DigitalMojo believes that simple answers to its discovery, such
20 as “admit” or “deny” in response to these requests for admission, will allow DigitalMojo and the
21 Board to compare ConnectPR’s interpretation of the scope of the services it has identified in its
22 registrations with the services ConnectPR actually supplies. On December 5, 2011, ConnectPR
23 returned responses to DigitalMojo’s discovery, however in those responses ConnectPR did not
24 provide simple answers such as “admit” or “deny.” Instead, ConnectPR objected to
25 DigitalMojo’s questions on a variety of bases, including relevance. (Cook Decl. ¶ 4) DigitalMojo
26 has requested from ConnectPR fuller responses, and DigitalMojo believes it is entitled to such
27 fuller responses before the Board makes any decision on likelihood of confusion, in this Motion or
28 otherwise.

1 In view of these steps, DigitalMojo asserts ConnectPR cannot factually establish its
2 “channels of trade,” or its “class of customer,” unless ConnectPR considers the specific markets it
3 and DigitalMojo serve, and from that whether businesses or consumers (or both) are presented
4 with ConnectPR’s and DigitalMojo’s marks. These specific markets may be determined through
5 consolidation of the Cancellation Actions with and into this opposition, or with reasonable
6 responses by ConnectPR to DigitalMojo’s September 4, 2011 discovery requests, or both.

7 **V. NON-CONTENTIOUS SERVICES**

8 DigitalMojo notes ConnectPR has not in its Motion mentioned, and so no decision should
9 be rendered regarding, services identified in DigitalMojo’s application which ConnectPR has not
10 addressed in its Motion.

11 **VI. CONCLUSION**

12 DigitalMojo submits that when all of the foregoing is considered, this Board will find
13 there are genuine issues of material fact sufficient to deny summary judgment on the issue of
14 likelihood of confusion. The Opposed Mark and the CPR Marks are similar but, without evidence
15 on the distinctiveness of the word “connect,” or the sophistication of prospective purchasers, the
16 Board can come to no reasonable conclusion on whether these marks are sufficiently similar to
17 cause likelihood of confusion. Further, without such evidence on the distinctiveness of the word
18 “connect,” and based on a selective reading of only some of the services identified in
19 DigitalMojo’s application and some of the services identified in ConnectPR’s registration, the
20 Board can come to no reasonable conclusion on whether such services are related. Finally,
21 because DigitalMojo questions both ConnectPR’s interpretation of the services it identifies in its
22 registrations, and questions the markets served by, and channels of trade utilized by, ConnectPR,
23 DigitalMojo has petitioned to cancel two of ConnectPR’s registrations, and moved to consolidate
24 those actions with this opposition. DigitalMojo believes ConnectPR’s services as supplied, and
25 not just ConnectPR’s services as identified, are relevant to this Motion, and necessary to a
26 decision on likelihood of confusion. DigitalMojo requests ConnectPR’s Motion be denied.
27 Finally, before the Board finds in favor of opposer ConnectPR, DigitalMojo requests decision on
28 ConnectPR’s Motion be suspended pending consolidation of Cancellation Action Numbers

1 92054427 and 92054395 with and into this opposition, and that decision on ConnectPR's Motion
2 be suspended pending DigitalMojo's receipt of fuller responses to DigitalMojo's discovery.

3
4 Respectfully submitted,

5
6 

7 Date: January 26, 2012

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1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that this document is today being submitted via electronic filing utilizing
3 the ESTTA system on:

4
5 Date: January 30, 2012



6 Thomas W. Cook

7
8 **CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. §2.119(a)**

9 I hereby declare:

10 I am over the age of 18 years, and am not a party to the within cause. I am employed in
11 Sausalito, California.

12 My business address is 3030 Bridgeway, Suite 425-430, Sausalito, California. My mailing
13 address is P.O. Box 1989, Sausalito, California.

14 On the date first written below, I served a true copy of the attached document entitled:

15 **APPLICANT'S AMENDED RESPONSE TO OPPOSER'S**

16 **MOTION FOR PARTIAL SUMMARY JUDGMENT**

17 by placing it in a sealed envelope and depositing it in the United States mail, first class postage
18 fully prepaid, addressed to the following:

19 Clayton, Howarth & Cannon, P.C.
20 P. O. Box 1909
21 Sandy UT 84091-1909
22 Attention: Karl R. Cannon

23 I declare under penalty of perjury that the foregoing is true and correct. Executed at
24 Sausalito, California on January 30, 2012.



25 Thomas Cook

active registrations on the Principal Register consisting of the identical term CONNECT. I list these registrations below, and attach hereto as Exhibit A copies of these third-party registrations:

MARK	REG. NO.	GOODS/SERVICES
CONNECT	3378869	Water refrigerators and water fountains
CONNECT	3242619	Metal lattices, runners, hangers, profiles, namely, building wall and ceiling framing primarily of metal, grid system supports of metal for ceilings and walls, trims for building purposes, metal splices for joining walls, ceilings and grid systems, clips of metal for suspended ceilings and walls
CONNECTS	3352403	Computer software that enables various user applications to communicate with one or more hardware devices
CONNECT	3209085	Cigarettes
CONNECT	3111692	Educational Services, Namely, Arranging and Conducting Conferences and Seminars for Electric Utility Cooperatives in the Fields of Marketing, Communications, and Member Services
CONNECT	3137854	Air passenger and baggage transfer services; ground transfer of air passengers; passenger ground transportation services
CONNECT	2996013	Magazines and catalogs in the field of computers, technology, and information systems
CONNECT	3046870	Educational services, namely conducting classes, seminars, workshops, and conferences for investment advisors in the fields of investment advisor practice management
CONNECT	2869782	Computer programs for use in optimization, pattern recognition, scheduling, and artificial intelligence
CONNECT	3390861	Body and beauty care preparations; Body lotions; Hair care preparations; Hair styling preparations; Make-up; Non-medicated bath preparations
CONNECT	3537420	Entertainment services, namely, providing pre-recorded music on-line via a global computer network
CONNECT	3214171	Computer-based services, namely computer programming, developing, implementing, and providing a non-downloadable web-based application program for others for generating reports, creating individually-tailored student interest forms and event response forms, importing student prospect data from student information systems, testing services, and other sources, scheduling and tracking targeted mailings and e-mail campaigns, conducting surveys that measure communication effectiveness, and generating

reports and frequency tabulations from the survey data;
Computer-based services, namely computer programming,
developing, implementing, and providing a
non-downloadable web-based application program for
others for providing information and advice to students and
their parents regarding the college admissions process

CONNECT 3133515

Providing on-line medical oncology information for use by
patients to enhance cancer treatment decisions

CONNECT 2892719

Trade publications, namely, periodic magazines for salon
management professionals

CONNECT 2836079

Allograph implants comprising formerly living tissue for use
in spinal surgery

CONNECT 2824529

Educational services, namely, conducting classes, seminars,
conferences, workshops for high-technology entrepreneurs
in the fields of telecommunications, biotechnology,
software, electronics, the Internet, financing and start-up
funding, employee recruitment, human resources, executive
education, partnering and networking

CONNECT 2675834

Wireless two way radios

CONNECT 2580587

Educational services, namely, conducting seminars and
providing training for entrepreneurs in the fields of high
technology research and development, telecommunications,
biotechnology, software, electronics, the Internet, financing
and start-up funding, employee recruitment, human
resources, executive education, industry updates, partnering
and networking

CONNECT 2302904

Educational services, namely, conducting classes,
conferences, workshops and seminars in the field of
telephone customer service techniques

CONNECT 2206279

Custom configured computer programs for enabling systems
operating under different protocols and operating programs
to interoperate and interface with each other

CONNECT 1910546

Psychiatric and chemical dependency assessments and
referrals

CONNECT 1718078

Religious educational material for classroom use

CONNECT 1679642

Education loan services and loan consolidation services

4. In addition, a search of the USPTO's web site reveals 505 records of applications and
registrations for marks which contain the word CONNECT and identify some kind of
“marketing services.” I attach as Exhibit B hereto a printout of the USPTO TESS records
showing such a count, and “representative” copies of 12 of these third-party registrations.

- 1 5. Based on discovery responses produced in this opposition, on behalf of DigitalMojo, I
2 filed Petitions to Cancel the ConnectPR Registrations on August 22, 2011. DigitalMojo's
3 Petitions to Cancel the ConnectPR Registrations have been allocated action numbers
4 92054427, for CONNECT PUBLIC RELATIONS, and 92054395, for CONNECTPR
5 (collectively, the "Cancellation Actions"). As bases for the Cancellation Actions,
6 DigitalMojo has alleged ConnectPR:
- 7 a. did not use the ConnectPR Marks for any, or for some of, or for some part of, the
8 services identified in ConnectPR's Registrations, either at the time of filing its
9 application, or thereafter.
 - 10 b. has committed fraud in the prosecution of the ConnectPR Registrations by alleging
11 it has, in respect of the ConnectPR Marks, used the ConnectPR Marks as
12 identified in the ConnectPR Registrations, while ConnectPR never used the
13 ConnectPR Marks for any, or for some of, or for some part of such services.
 - 14 c. has abandoned the ConnectPR Marks, in that ConnectPR failed to continue its use
15 of, or ceased its use of, the ConnectPR Marks for some of the services identified in
16 the ConnectPR Registrations, or ConnectPR failed to continue its use of, or ceased
17 its use of, the ConnectPR Marks for some part of the services identified in the
18 ConnectPR Registrations.
 - 19 d. has abandoned the ConnectPR Marks, in that ConnectPR intends not to use the
20 ConnectPR Marks in the future in connection with some of, or some part of, the
21 services identified in ConnectPR's Registrations.
 - 22 e. has committed fraud in the maintenance of the ConnectPR Registrations, by
23 alleging it has used the ConnectPR Marks continuously for the services identified
24 in the ConnectPR Registrations, while ConnectPR has failed to continuously use
25 the ConnectPR Marks for any, or some of, or some part of such services.
 - 26 f. has committed fraud in the prosecution of the ConnectPR Registrations by
27 alleging, in respect of the ConnectPR Marks, it intended to use the ConnectPR
28 Marks for the services identified in the ConnectPR Registrations, while ConnectPR
never intended to use the ConnectPR Marks for any, or for some of, or for some
part of such services.
 - g. has not identified its services in the ConnectPR Registrations so as to be "definite,"
as required by the Trademark Act and the U.S. Patent & Trademark Office, with
the result that the U.S. Patent & Trademark Office and the public cannot
reasonably determine the nature of the services with which ConnectPR uses the
ConnectPR Marks (if any).
 - h. has committed fraud in this Opposition or the prosecution of the ConnectPR
Registrations by making one or more inaccurate statements and, more specifically,
by alleging in this Opposition that it believes it will be damaged by registration of
DigitalMojo's mark when ConnectPR did not and/or does not believe it will be
damaged, and ConnectPR has therefore acted inequitably, and employed the
ConnectPR Registrations improperly, and in restraint of trade.

1 6. On August 28, 2011, DigitalMojo, in this opposition action, filed its Motion to
2 Consolidate its Petitions to Cancel the ConnectPR Registrations and this opposition
3 action. DigitalMojo's Motion to Consolidate has not yet been decided by the Board.
4

5 7. On September 4, 2011, DigitalMojo served discovery on ConnectPR, which discovery
6 included APPLICANT'S INTERROGATORIES, SET THREE and APPLICANT'S
7 REQUEST FOR ADMISSIONS, SET TWO. ConnectPR has responded to these
8 discovery requests by DigitalMojo with evasions, rather than simple answers. I attach
9 hereto as Exhibit C copies of ConnectPR's responses to DigitalMojo's

10 a. OPPOSER'S RESPONSES TO APPLICANT'S THIRD SET OF
11 INTERROGATORIES, and

12 b. OPPOSER'S RESPONSE TO APPLICANT'S SECOND SET OF
13 REQUESTS FOR ADMISSIONS

14 DigitalMojo therefore considers discovery in this case to be incomplete. DigitalMojo has
15 and will therefor request ConnectPR fully respond to its discovery requests. I believe full
16 responses to DigitalMojo's discovery requests are necessary to gage the scope of
17 ConnectPR's services, and therefore the reasonable interpretation of the services
18 ConnectPR has identified in its registrations, and therefore whether those services are
19 related to the services identified by DigitalMojo in this opposition action.
20

21 8. On September 21, 2010, ConnectPR's application for registration of the mark CONNECT
22 MARKETING, serial number 85061227, received a USPTO Office Action in which the
23 examining attorney handling that application required the following (and DigitalMojo
24 requests the Board take judicial notice of such requirement):

25 The wording "Marketing and market research and consulting services" in the
26 identification of services is indefinite and must be clarified to specify the type(s) of
27 "marketing" services. Applicant must also specify the subject matter of the
28 "consulting services" to enable proper classification of those services. See TMEP
§§1402.01, 1402.11(e).

1 9. In reviewing documents produced by ConnectPR in this opposition action, I have come to
2 the following conclusion: While ConnectPR asserts it “has actually offered and provided
3 the services of promoting the goods and services of others over the Internet,” discovery
4 documents show ConnectPR has actually provided the services of assisting ConnectPR’s
5 *clients* to promote the *client’s* goods and services over the Internet under the *client’s*
6 marks, and nothing in such documents show ConnectPR has used *ConnectPR’s marks* to
7 offer or provide the services of promoting the goods and services of its clients over the
8 Internet.

11 Respectfully submitted,

12
13
14 

14 Date: January 26, 2012

Thomas W. Cook, Reg. No. 38,849
Attorney for Applicant
3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550

1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that this document is today being submitted via electronic filing utilizing
3 the ESTTA system on:

4
5 Date: January 30, 2012



6 Thomas W. Cook

7
8
9 **CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. §2.119(a)**

10 I hereby declare:

11 I am over the age of 18 years, and am not a party to the within cause. I am employed in
12 Sausalito, California.

13 My business address is 3030 Bridgeway, Suite 425-430, Sausalito, California. My mailing
14 address is P.O. Box 1989, Sausalito, California.

15 On the date first written below, I served a true copy of the attached document entitled:

16 **AMENDED DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S**
17 **RESPONSE TO OPPOSER'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

18 by placing it in a sealed envelope and depositing it in the United States mail, first class postage
19 fully prepaid, addressed to the following:

20 Clayton, Howarth & Cannon, P.C.
21 P. O. Box 1909
22 Sandy UT 84091-1909
Attention: Karl R. Cannon

23 I declare under penalty of perjury that the foregoing is true and correct. Executed at
24 Sausalito, California on January 30, 2012



25
26
27 Thomas Cook

EXHIBIT A

to

**AMENDED DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S
RESPONSE TO OPPOSER'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Int. Cl.: 36

Prior U.S. Cl.: 102

United States Patent and Trademark Office **Reg. No. 1,679,642**
Registered Mar. 17, 1992

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

**NEW ENGLAND EDUCATION LOAN MAR-
KETING CORPORATION, THE (MASSACHU-
SETTS CORPORATION)
50 BRAINTREE HILL PARK, SUITE 300
BRAINTREE, MA 021841763**

**FIRST USE 8-15-1990; IN COMMERCE
8-15-1990.**

SER. NO. 74-145,149, FILED 3-6-1991.

**FOR: EDUCATION LOAN SERVICES AND
LOAN CONSOLIDATION SERVICES, IN
CLASS 36 (U.S. CL. 102).**

JENNIFER BRUST, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,718,078

Registered Sep. 22, 1992

**TRADEMARK
PRINCIPAL REGISTER**



SILVER BURDETT GINN (DELAWARE CORPORATION)
250 JAMES STREET
MORRISTOWN, NJ 07960

THE STIPPLING IS FOR SHADING PURPOSES ONLY AND DOES NOT INDICATE COLOR.

FOR: RELIGIOUS EDUCATIONAL MATERIAL FOR CLASSROOM USE, IN CLASS 16 (U.S. CL. 38).

SER. NO. 74-231,696, FILED 12-19-1991.

FIRST USE 11-4-1991; IN COMMERCE 11-4-1991.

CHRISTOPHER KELLY, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office

Reg. No. 1,910,546

Registered Aug. 8, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

CARILION ENTERPRISES, INC. (VIRGINIA
CORPORATION)
1212 THIRD STREET, SW
ROANOKE, VA 24016

FIRST USE 9-1-1992; IN COMMERCE
10-20-1992.

FOR: PSYCHIATRIC AND CHEMICAL DE-
PENDENCY ASSESSMENTS AND REFER-
RALS, IN CLASS 42 (U.S. CL. 100).

SER. NO. 74-374,103, FILED 4-1-1993.

MARK T. MULLEN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,206,279

United States Patent and Trademark Office

Registered Dec. 1, 1998

**TRADEMARK
PRINCIPAL REGISTER**



**CONNECT, INC. (ILLINOIS CORPORATION)
4415 WEST HARRISON STREET, SUITE 102
HILLSDALE, IL 60162**

**FOR: CUSTOM CONFIGURED COMPUTER
PROGRAMS FOR ENABLING SYSTEMS OPER-
ATING UNDER DIFFERENT PROTOCOLS
AND OPERATING PROGRAMS TO INTERO-
PERATE AND INTERFACE WITH EACH**

**OTHER , IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).**

**FIRST USE 3-15-1992; IN COMMERCE
3-15-1992.**

SER. NO. 74-402,145, FILED 6-15-1993.

**DAVID NICHOLSON, EXAMINING ATTOR-
NEY**

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

Reg. No. 2,302,904

United States Patent and Trademark Office

Registered Dec. 21, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

COMTUTOR, INC. (ILLINOIS CORPORATION)
16 SOUTHPOINT LANE
IPSWICH, MA 01938

FOR: EDUCATIONAL SERVICES, NAMELY,
CONDUCTING CLASSES, CONFERENCES,
WORKSHOPS AND SEMINARS IN THE FIELD
OF TELEPHONE CUSTOMER SERVICE TECH-

NIQUES, IN CLASS 41 (U.S. CLS. 100, 101 AND
107).

FIRST USE 6-3-1998; IN COMMERCE
6-3-1998.

SN 75-499,660, FILED 6-10-1998.

MARC LEIPZIG, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 2,580,587

Registered June 18, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

REGENTS OF THE UNIVERSITY OF CALIFORNIA, THE (CALIFORNIA CORPORATION)
1111 FRANKLIN STREET
8TH FLOOR
OAKLAND, CA 946079800

THE INTERNET, FINANCING AND START-UP FUNDING, EMPLOYEE RECRUITMENT, HUMAN RESOURCES, EXECUTIVE EDUCATION, INDUSTRY UPDATES, PARTNERING AND NETWORKING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING SEMINARS AND PROVIDING TRAINING FOR ENTREPRENEURS IN THE FIELDS OF HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT, TELECOMMUNICATIONS, BIOTECHNOLOGY, SOFTWARE, ELECTRONICS,

FIRST USE 5-26-1986; IN COMMERCE 5-26-1986.

SER. NO. 75-606,239, FILED 12-15-1998.

BRETT J. GOLDEN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,675,834

Registered Jan. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

CLEARLINK COMMUNICATIONS, LLC (NEW
HAMPSHIRE LIMITED LIABILITY COMPA-
NY)
34 FRANKLIN STREET
#5703
NASHUA, NH 03060

FIRST USE 2-10-1999; IN COMMERCE 4-1-1999.

SER. NO. 75-679,719, FILED 4-9-1999.

FOR: WIRELESS TWO WAY RADIOS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 2,824,529

Registered Mar. 23, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (CALIFORNIA CORPORATION)
UNIVERSITY OF CALIFORNIA, SAN DIEGO
9500 GILMAN DRIVE
LA JOLLA, CA 920930176

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, CONFERENCES, WORKSHOPS FOR HIGH-TECHNOLOGY ENTREPRENEURS IN THE FIELDS OF TELECOMMUNICATIONS, BIOTECHNOLOGY, SOFTWARE, ELECTRONICS, THE INTERNET, FI-

NANCING AND START-UP FUNDING, EMPLOYEE RECRUITMENT, HUMAN RESOURCES, EXECUTIVE EDUCATION, PARTNERING AND NETWORKING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-0-2001; IN COMMERCE 4-0-2001.

SER. NO. 76-447,001, FILED 9-4-2002.

ANN LINNEHAN, EXAMINING ATTORNEY

Int. Cls.: 5 and 10

Prior U.S. Cls.: 6, 18, 26, 39, 44, 46, 51 and 52

Reg. No. 2,836,079

United States Patent and Trademark Office

Registered Apr. 27, 2004

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

CORTEK, INC. (DELAWARE CORPORATION)
980 WASHINGTON STREET
DEDHAM, MA 020266790

FOR: TOOLS FOR SIZING AND IMPLANTING
ALLOGRAPH IMPLANTS FOR USE IN SPINAL
SURGERY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FOR: ALLOGRAPH IMPLANTS COMPRISING
FORMERLY LIVING TISSUE FOR USE IN SPINAL
SURGERY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51
AND 52).

FIRST USE 9-11-2001; IN COMMERCE 9-11-2001.

SER. NO. 76-476,629, FILED 12-10-2002.

FIRST USE 9-11-2001; IN COMMERCE 9-11-2001.

JEFF DEFORD, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,869,782

United States Patent and Trademark Office

Registered Aug. 3, 2004

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

NATURAL SELECTION, INC. (CALIFORNIA
CORPORATION)
3333 NORTH TORREY PINES CT., SUITE 200
LA JOLLA, CA 92037

FIRST USE 8-22-2003; IN COMMERCE 8-25-2003.

FOR: COMPUTER PROGRAMS FOR USE IN
OPTIMIZATION, PATTERN RECOGNITION, SCHE-
DULING, AND ARTIFICIAL INTELLIGENCE, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-292,006, FILED 8-25-2003.

ANN LINNEHAN, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,892,719

United States Patent and Trademark Office

Registered Oct. 12, 2004

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

VANCE PUBLISHING (NEW YORK CORPORATION)
400 KNIGHTSBRIDGE PARKWAY
LINCOLNSHIRE, IL 60069

FIRST USE 4-0-2003; IN COMMERCE 4-0-2003.

FOR: TRADE PUBLICATIONS, NAMELY, PERIODIC MAGAZINES FOR SALON MANAGEMENT PROFESSIONALS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 76-510,119, FILED 4-28-2003.

RICHARD WHITE, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,996,013

United States Patent and Trademark Office

Registered Sep. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

PC CONNECTION, INC. (DELAWARE CORPORATION)
LEGAL DEPT.
730 MILFORD ROAD
MERRIMACK, NH 03054

FIRST USE 4-30-2004; IN COMMERCE 4-30-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: MAGAZINES AND CATALOGS IN THE FIELD OF COMPUTERS, TECHNOLOGY, AND INFORMATION SYSTEMS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SN 78-359,704, FILED 1-29-2004.

HOWARD B. LEVINE, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,046,870

Registered Jan. 17, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

CHARLES SCHWAB & CO., INC. (CALIFORNIA
CORPORATION)
101 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

FOR: EDUCATIONAL SERVICES, NAMELY
CONDUCTING CLASSES, SEMINARS, WORK-
SHOPS, AND CONFERENCES FOR INVESTMENT
ADVISORS IN THE FIELDS OF INVESTMENT
ADVISOR PRACTICE MANAGEMENT, IN CLASS
41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-28-2004; IN COMMERCE 4-28-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-358,993, FILED 1-28-2004.

SUE LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,111,692

United States Patent and Trademark Office

Registered July 4, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

NATIONAL RURAL ELECTRIC COOPERATIVE
ASSOCIATION (D.C. INCORPORATED ASSO-
CIATION)

4301 WILSON BLVD.
ARLINGTON, VA 22203

FOR: EDUCATIONAL SERVICES, NAMELY, AR-
RANGING AND CONDUCTING CONFERENCES
AND SEMINARS FOR ELECTRIC UTILITY COOP-
ERATIVES IN THE FIELDS OF MARKETING, COM-
MUNICATIONS, AND MEMBER SERVICES, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-15-2005; IN COMMERCE 5-15-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-641,258, FILED 6-1-2005.

MELVIN AXILBUND, EXAMINING ATTORNEY

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,133,515

Registered Aug. 22, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

FOX CHASE CANCER CENTER (PENNSYLVANIA CORPORATION)
333 COTTMAN AVENUE
PHILADELPHIA, PA 191112497

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: PROVIDING ON-LINE MEDICAL ONCOLOGY INFORMATION FOR USE BY PATIENTS TO ENHANCE CANCER TREATMENT DECISIONS, IN CLASS 44 (U.S. CLS. 100 AND 101).

SN 76-598,057, FILED 6-15-2004.

FIRST USE 7-14-2004; IN COMMERCE 7-14-2004.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY

Int. Cl.: 39

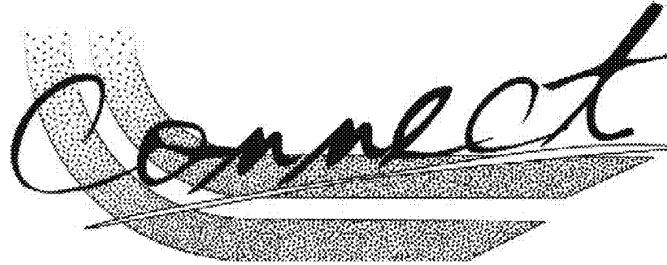
Prior U.S. Cls.: 100 and 105

United States Patent and Trademark Office

Reg. No. 3,137,854

Registered Sep. 5, 2006

SERVICE MARK
PRINCIPAL REGISTER



JOHN MENZIES PLC (SCOTLAND CORPORATION)

108 PRINCESS STREET

EDINBURGH, SCOTLAND EH2 3AA

FOR: AIR PASSENGER AND BAGGAGE TRANSFER SERVICES; GROUND TRANSFER OF AIR PASSENGERS; PASSENGER GROUND TRANSPORTATION SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 3579554, FILED 12-5-2003, REG. NO. 003579554, DATED 4-19-2005, EXPIRES 12-5-2013.

THE STIPPLING SHOWN IN THE DRAWING REPRESENTS SHADING.

SER. NO. 78-401,140, FILED 4-13-2004.

SUSAN STIGLITZ, EXAMINING ATTORNEY

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9 and 17

United States Patent and Trademark Office

Reg. No. 3,209,085

Registered Feb. 13, 2007

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

DHANRAJ IMPORTS, INC. (CALIFORNIA CORPORATION)
11731 STERLING AVENUE STE F
RIVERSIDE, CA 92503

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: CIGARETTES, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

SER. NO. 78-871,097, FILED 4-27-2006.

FIRST USE 12-1-2004; IN COMMERCE 6-1-2005.

JOHN GARTNER, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,214,171

Registered Feb. 27, 2007

**SERVICE MARK
SUPPLEMENTAL REGISTER**

CONNECT

HOBSONS, INC. (DELAWARE CORPORATION)
10200 ALLIANCE ROAD, SUITE 301
CINCINNATI, OH 45242

FOR: HOSTING THE WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK, NAMELY FOR COLLEGES AND UNIVERSITIES, AND FOR COLLEGE STUDENTS AND STUDENT PROSPECTS; COMPUTER-BASED SERVICES, NAMELY COMPUTER PROGRAMMING, DEVELOPING, IMPLEMENTING, AND PROVIDING A NON-DOWNLOADABLE WEB-BASED APPLICATION PROGRAM FOR OTHERS FOR AUTOMATING COLLEGE ADMISSIONS OFFICES AND FOR COMMUNICATING WITH PROSPECTIVE STUDENTS OVER A WORLD WIDE NETWORK OF COMPUTERS; COMPUTER-BASED SERVICES, NAMELY COMPUTER PROGRAMMING, DEVELOPING, IMPLEMENTING, AND PROVIDING A NON-DOWNLOADABLE WEB-BASED APPLICATION PROGRAM FOR OTHERS FOR GENERATING REPORTS, CREATING INDIVIDUALLY-TAILORED STUDENT INTEREST FORMS AND EVENT RESPONSE FORMS, IMPORTING STUDENT PROSPECT DATA FROM STUDENT INFORMATION SYSTEMS, TESTING SERVICES,

AND OTHER SOURCES, SCHEDULING AND TRACKING TARGETED MAILINGS AND E-MAIL CAMPAIGNS, CONDUCTING SURVEYS THAT MEASURE COMMUNICATION EFFECTIVENESS, AND GENERATING REPORTS AND FREQUENCY TABULATIONS FROM THE SURVEY DATA; COMPUTER-BASED SERVICES, NAMELY COMPUTER PROGRAMMING, DEVELOPING, IMPLEMENTING, AND PROVIDING A NON-DOWNLOADABLE WEB-BASED APPLICATION PROGRAM FOR OTHERS FOR PROVIDING INFORMATION AND ADVICE TO STUDENTS AND THEIR PARENTS REGARDING THE COLLEGE ADMISSIONS PROCESS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 10-1-2002; IN COMMERCE 10-1-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 76-642,662, FILED P.R. 7-12-2005; AM. S.R. 8-21-2006.

TINA BROWN, EXAMINING ATTORNEY

Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25 and 50

United States Patent and Trademark Office

Reg. No. 3,242,619

Registered May 15, 2007

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT

SAINT-GOBAIN ECOPHON B.V. (NETHER-
LANDS JOINT STOCK COMPANY)
PARALLELWEG 17
NL-4878 AH ETTEN-LEUR, NETHERLANDS

FOR: METAL LATTICES, RUNNERS, HANGERS,
PROFILES, NAMELY, BUILDING WALL AND
CEILING FRAMING PRIMARILY OF METAL,
GRID SYSTEM SUPPORTS OF METAL FOR CEIL-
INGS AND WALLS, TRIMS FOR BUILDING PUR-
POSES, METAL SPLICES FOR JOINING WALLS,
CEILINGS AND GRID SYSTEMS, CLIPS OF METAL

FOR SUSPENDED CEILINGS AND WALLS, IN
CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

OWNER OF INTERNATIONAL REGISTRATION
0745328 DATED 9-29-2000, EXPIRES 9-29-2010.

SER. NO. 79-018,802, FILED 11-22-2005.

JENNIFER VASQUEZ, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

Reg. No. 3,378,869

United States Patent and Trademark Office

Registered Feb. 5, 2008

**TRADEMARK
PRINCIPAL REGISTER**



COSMETAL SRL -; SISTEMI DI REFRIGERAZIONE (ITALY LIMITED LIABILITY COMPANY)

VIA F.III MAGGINI,

FRAZIONE ZONA PIP SAMBUCHETO; I-62019 RECANATI (MC)

ITALY

FOR: WATER REFRIGERATORS AND WATER FOUNTAINS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

PRIORITY DATE OF 7-26-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0906248 DATED 10-16-2006, EXPIRES 10-16-2016.

THE COLOR(S) RED, BLACK AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE WORDING APPEARS IN BLACK, EXCEPT FOR THE SECOND "N" WHICH APPEARS IN RED AND IS RINGED BY A GRAY CIRCLE.

THE MARK CONSISTS OF A CIRCUMFERENCE UPON WHICH IS IMPRESSED THE WORD "CONNECT" HAVING THE SECOND "N" IN RED COLOUR.

SER. NO. 79-032,007, FILED 10-16-2006.

JASON TURNER, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 3,390,861

United States Patent and Trademark Office

Registered Mar. 4, 2008

**TRADEMARK
PRINCIPAL REGISTER**

Connect

MYRA P. AND COMPANY, INC. (FLORIDA
CORPORATION)
7313 SW 59 COURT
MIAMI, FL 33143

FIRST USE 1-13-2004; IN COMMERCE 1-13-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-073,205, FILED 12-29-2006.

FOR: BODY AND BEAUTY CARE PREPARA-
TIONS; BODY LOTIONS; HAIR CARE PREPARA-
TIONS; HAIR STYLING PREPARATIONS; MAKE-
UP; NON-MEDICATED BATH PREPARATIONS, IN
CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

REGINA DRUMMOND, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,537,420

Registered Nov. 25, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT

SONY CORPORATION OF AMERICA (NEW
YORK CORPORATION)
550 MADISON AVENUE
NEW YORK, NY 10022

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: ENTERTAINMENT SERVICES, NAMELY,
PROVIDING PRE-RECORDED MUSIC ON-LINE
VIA A GLOBAL COMPUTER NETWORK, IN CLASS
41 (U.S. CLS. 100, 101 AND 107).

SN 76-570,672, FILED 1-7-2004.

FIRST USE 5-31-2004; IN COMMERCE 5-31-2004.

MICHELE SWAIN, EXAMINING ATTORNEY

EXHIBIT B

to

**AMENDED DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S
RESPONSE TO OPPOSER'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,485,592

Registered Aug. 12, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

ACCESS CONNECT ECOSYSTEM

ACCESS SYSTEMS AMERICAS, INC. (DELA-
WARE CORPORATION)
1188 EAST ARQUES AVENUE
SUNNYVALE, CA 94085

FOR: BUSINESS CONSULTING, MARKETING
AND PROMOTION SERVICES PROVIDED IN THE
NATURE OF A COMPUTER SOFTWARE DEVEL-
OPER PARTNER PROGRAM, NAMELY, PROVID-
ING PRODUCT INFORMATION ON COMPUTER
SOFTWARE TO COMPUTER SOFTWARE DEVEL-
OPERS FOR MARKETING PURPOSES, AND PRO-
VIDING MARKETING INFORMATION AND
MARKETING CONSULTING, ALL RELATED TO

COMPUTER SOFTWARE, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 2-13-2007; IN COMMERCE 2-13-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 77-068,867, FILED 12-20-2006.

SHARON MEIER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

ACXIOM CONNECT-X

Reg. No. 3,881,160

Registered Nov. 23, 2010

Int. Cls.: 35 and 42

SERVICE MARK

PRINCIPAL REGISTER

ACXIOM CORPORATION (DELAWARE CORPORATION)
601 E. THIRD ST.
LITTLE ROCK, AR 72201

FOR: DIRECT MARKETING SERVICES FOR OTHERS, NAMELY, DIRECT MARKETING CAMPAIGN MANAGEMENT AND DIRECT MARKETING LIST SELECTION, ACQUISITION, AND MAINTENANCE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.

FOR: APPLICATION SERVICE PROVIDER FEATURING SOFTWARE IN THE FIELD OF DIRECT MARKETING CAMPAIGN MANAGEMENT AND DIRECT MARKETING LIST SELECTION, ACQUISITION, AND MAINTENANCE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,907,571, 3,131,510, AND OTHERS.

SN 77-811,327, FILED 8-24-2009.

BRENDAN MCCAULEY, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Int. Cls.: 35 and 42

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,915,521

Registered Jan. 4, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

BROCADE CONNECT

BROCADE COMMUNICATIONS SYSTEMS, INC.
(CALIFORNIA CORPORATION)
1745 TECHNOLOGY DRIVE
SAN JOSE, CA 95110

FOR: MANAGING PRODUCT AND MARKET-
ING INITIATIVES FOR VALUE ADDED RESEL-
LERS AND PROVIDING CUSTOMER SUPPORT, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-15-2002; IN COMMERCE 5-15-2002.

FOR: TECHNICAL SUPPORT SERVICES, NAME-
LY, TROUBLESHOOTING OF COMPUTER HARD-
WARE AND SOFTWARE PROBLEMS AND

PROVIDING ACCESS TO FIRMWARE DOWN-
LOADS AND A PRODUCT KNOWLEDGE BASE,
IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-15-2002; IN COMMERCE 5-15-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CONNECT", APART FROM THE
MARK AS SHOWN.

SER. NO. 76-411,983, FILED 5-24-2002.

INGA ERVIN, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,631,362

Registered June 2, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT AND SIMPLIFY

EXTREME REACH INC. (DELAWARE CORPORATION)
75 SECOND AVE SUITE 360
NEEDHAM, MA 02494

FOR: ADVERTISING AGENCIES; ADVERTISING AGENCIES, NAMELY, PROMOTING THE GOODS AND SERVICES OF OTHERS; ADVERTISING AND ADVERTISEMENT SERVICES; ADVERTISING AND COMMERCIAL INFORMATION SERVICES, VIA THE INTERNET; ADVERTISING AND MARKETING; ADVERTISING AND PROMOTIONAL SERVICES; ADVERTISING AND PUBLICITY SERVICES, NAMELY, PROMOTING THE GOODS, SERVICES, BRAND IDENTITY AND COMMERCIAL INFORMATION AND NEWS OF THIRD PARTIES THROUGH PRINT, AUDIO, VIDEO, DIGITAL AND ON-LINE MEDIUM; ADVERTISING PARTICULARLY SERVICES FOR THE PROMOTION OF GOODS; ADVERTISING SERVICES; ADVERTISING SERVICES OF A RADIO AND TELEVISION ADVERTISING AGENCY; ADVERTISING SERVICES, NAMELY, PROMOTING AND MARKETING THE GOODS AND SERVICES OF OTHERS THROUGH ALL PUBLIC COMMUNICATION MEANS; ADVERTISING THROUGH ALL PUBLIC COMMUNICATION MEANS; ADVERTISING VIA ELECTRONIC MEDIA AND SPECIFICALLY THE INTERNET; ADVERTISING, INCLUDING PROMOTION RELATING TO THE SALE OF ARTICLES AND SERVICES FOR THIRD PARTIES BY THE TRANSMISSION OF ADVERTISING MATERIAL AND THE DISSEMINATION OF ADVERTISING MESSAGES ON COMPUTER NETWORKS; ADVERTISING, MARKETING

AND PROMOTION SERVICES; DISSEMINATION OF ADVERTISEMENTS; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE COMMUNICATIONS NETWORK ON THE INTERNET; DISSEMINATION OF ADVERTISING FOR OTHERS VIA THE INTERNET; DISSEMINATION OF ADVERTISING MATTER; DISTRIBUTION OF ADVERTISEMENTS AND COMMERCIAL ANNOUNCEMENTS; DISTRIBUTION OF PRODUCTS FOR ADVERTISING PURPOSES; INTERNET ADVERTISING SERVICES; ON-LINE ADVERTISING AND MARKETING SERVICES; ON-LINE ADVERTISING ON COMPUTER COMMUNICATION NETWORKS; PREPARATION OF CUSTOM OR NON-CUSTOM ADVERTISING FOR BUSINESSES FOR DISSEMINATION VIA THE WEB, CD OR DVD FOR OPTIONAL UPLOAD OR DOWNLOAD TO A COMPUTER; PREPARING ADVERTISEMENTS FOR OTHERS; PROMOTING THE GOODS AND SERVICES OF OTHERS BY DISTRIBUTING ADVERTISING MATERIALS THROUGH A VARIETY OF METHODS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-27-2008; IN COMMERCE 12-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-643,734, FILED 1-6-2009.

SIMON TENG, EXAMINING ATTORNEY

Int. Cls.: 35 and 37

Prior U.S. Cls.: 100, 101, 102, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,538,323

Registered Feb. 12, 2002

**SERVICE MARK
PRINCIPAL REGISTER**



HOME CONTROLS INCORPORATED (CALIFOR-
NIA CORPORATION)
7626 MIRAMAR ROAD, SUITE 3300
SAN DIEGO, CA 921264216

FOR: INSTALLATION AND REPAIR OF AUTO-
MATION, CONTROL, SECURITY, ENTERTAIN-
MENT, AND NETWORKING EQUIPMENT, IN
CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: COOPERATIVE ADVERTISING AND MAR-
KETING SERVICES FOR DEALERS WHO INSTALL
AND REPAIR AUTOMATION, CONTROL, SECUR-
ITY, ENTERTAINMENT, AND NETWORKING
EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 3-1-2001; IN COMMERCE 3-1-2001.

SER. NO. 76-298,200, FILED 8-9-2001.

FIRST USE 3-1-2001; IN COMMERCE 3-1-2001.

ROBERT COGGINS, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

CONNECTIVA

Reg. No. 3,941,338

Registered Apr. 5, 2011

Int. Cls.: 9, 35, and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

CONNECTIVA SYSTEMS, INC. (NEW YORK CORPORATION)
19 WEST 44TH STREET, SUITE 611
NEW YORK, NY 10036

FOR: COMPUTER SOFTWARE FOR COLLECTING CUSTOMER DATA AND CONDUCTING ANALYTICS ON THE DATA, NAMELY, REVENUE ASSURANCE SOLUTIONS FOR ASSURING THAT REVENUE IS BEING RECEIVED AND FOR FRAUD AND RISK MANAGEMENT, SYSTEMS INTEGRATION SOLUTIONS, ANALYTICS FOR MARKETING AND CUSTOMER MANAGEMENT AND FOR ASSURING THAT SERVICES WERE DELIVERED, COMPUTER SOFTWARE AND HARDWARE AND COMPUTER PERIPHERAL EQUIPMENT FOR BILLING VERIFICATION, FRAUD DETECTION, MONITORING, MEASURING, ANALYZING, SECURITY MANAGING, NETWORK SURVEILLANCE, SIGNAL CLASSIFICATION, TRAFFIC MANAGING, CREATING AND MONITORING CALL DETAILED RECORDS, FRAUD DETECTION AND REPORTING INFORMATION EXTRACTED FROM NETWORKS, SWITCHES, OPERATING SYSTEMS, BASE STATIONS, BASE STATIONS' CONTROLLERS, PROBE MEDIATION PLATFORMS AND/OR BUSINESS SUPPORT SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-17-2006; IN COMMERCE 1-17-2006.

FOR: BUSINESS MANAGEMENT CONSULTING SERVICES, NAMELY, PROVIDING REVENUE ASSURANCE, BUSINESS FRAUD MANAGEMENT, RISK MANAGEMENT AND ANALYTICS OF CUSTOMER DATA; OUTSOURCING IN THE FIELD OF NETWORK MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-17-2006; IN COMMERCE 1-17-2006.

FOR: DESIGN AND IMPLEMENTATION OF SOFTWARE SOLUTIONS FOR THE PURPOSE OF PROVIDING REVENUE ASSURANCE, FRAUD MANAGEMENT, RISK MANAGEMENT AND ANALYTICS OF CUSTOMER DATA, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-17-2006; IN COMMERCE 1-17-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-772,401, FILED 7-1-2009.

HOWARD B. LEVINE, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,352,403

Registered Dec. 11, 2007

**TRADEMARK
PRINCIPAL REGISTER**

CONNECTS

SPECTRUM CONTROLS, INC. (WASHINGTON
CORPORATION)
1705 132ND AVENUE NE
BELLEVUE, WA 98005

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: COMPUTER SOFTWARE THAT ENABLES
VARIOUS USER APPLICATIONS TO COMMUNI-
CATE WITH ONE OR MORE HARDWARE DEVI-
CES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-952,189, FILED 8-15-2006.

FIRST USE 10-15-2002; IN COMMERCE 10-15-2002.

KATHERINE CHANG, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

CONNECTUAL

Reg. No. 3,701,558 CONNECTUAL, INC. (ILLINOIS CORPORATION)
Registered Oct. 27, 2009 1757 N. PAULINA ST. UNIT D
CHICAGO, IL 60622

Int. Cl.: 35 FOR: PROVIDING INFORMATION IN THE FIELD OF MARKETING AND ON-LINE MARKETING MEDIA VIA THE INTERNET; PROVIDING CONSULTING SERVICES IN THE FIELD OF FACILITATING THE PLANNING, BUYING, AND SELLING OF MEDIA; PREPARATION AND REALIZATION OF MEDIA AND ADVERTISING PLANS AND CONCEPTS; PROVIDING PROMOTIONAL MARKETING SERVICES TO BUSINESSES IN THE BROADBAND AND MEDIA INDUSTRIES; MEDIA BUYING ADVICE, NAMELY, ADVISING THE CLIENT HOW MUCH MEDIA TIME, AND AT WHAT TIMES THE CLIENT SHOULD BE PURCHASING ADVERTISING; ADVERTISING AND PUBLICITY SERVICES, NAMELY, PROMOTING THE GOODS, SERVICES, BRAND IDENTITY AND COMMERCIAL INFORMATION AND NEWS OF THIRD PARTIES THROUGH DIGITAL AND ON-LINE MEDIUM; ON-LINE ADVERTISING AND MARKETING SERVICES; ADVERTISING, MARKETING AND PROMOTION SERVICES; ADVERTISING AND MARKETING, MARKETING PLAN DEVELOPING; MARKETING CONSULTING; PROMOTION AND MARKETING SERVICES AND RELATED CONSULTING; BUSINESS MARKETING SERVICES; BUSINESS MARKETING CONSULTING SERVICES; DEVELOPMENT OF MARKETING STRATEGIES AND CONCEPTS; MARKETING PLAN DEVELOPMENT; DEVELOPMENT OF MARKETING STRATEGIES AND CONCEPTS; ADVICE IN THE FIELDS OF BUSINESS MANAGEMENT AND MARKETING; BUSINESS ADVICE AND INFORMATION; BUSINESS CONSULTATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK
PRINCIPAL REGISTER

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-711,681, FILED 4-10-2009.

JULIE GUTTADAURO, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,397,130

Registered Mar. 18, 2008

**SERVICE MARK
PRINCIPAL REGISTER**



CHINNICI DIRECT, INC. (DELAWARE COR-
PORATION)
411 LAFAYETTE ST. 3RD FLOOR
NEW YORK, NY 10003

THE MARK CONSISTS OF THE WORDS "COM-
PANY C", ALONG WITH A STYLIZED LETTER "C"
ON ITS SIDE, AS WELL AS THE WORDS "CREATE
CONNECT COMPEL".

FOR: ADVERTISING, MARKETING AND PRO-
MOTION SERVICES, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

SER. NO. 77-060,042, FILED 12-8-2006.

FIRST USE 10-15-2006; IN COMMERCE 10-15-2006.

STEPHEN AQUILA, EXAMINING ATTORNEY

Int. Cls.: 35 and 42

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,434,071

Registered May 27, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

HY CONNECT

HOFFMAN YORK, INC. (WISCONSIN CORPORATION)

1000 N. WATER STREET

MILWAUKEE, WI 53202

FOR: INTERACTIVE MEDIA SERVICES FOR COMPANIES, NAMELY, DIRECT MARKETING, CREATION OF ON-LINE ADVERTISING AND MARKETING, MARKET RESEARCH, CREATIVE MARKETING DESIGN SERVICES, CUSTOMER RELATIONSHIP DATABASE ANALYSIS AND CONSULTING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-15-1999; IN COMMERCE 1-15-1999.

FOR: INTERACTIVE MEDIA SERVICES FOR COMPANIES, NAMELY, WEBSITE DESIGN AND DEVELOPMENT FOR MARKETING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-15-1999; IN COMMERCE 1-15-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-119,379, FILED 3-1-2007.

ANNE FARRELL, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,328,332

Registered Nov. 6, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

TARGET CONNECT

BRIAN UNLIMITED DISTRIBUTION COMPANY
(MICHIGAN CORPORATION)
13700 OAKLAND AVENUE
HIGHLAND PARK, MI 48203

FIRST USE 10-6-2005; IN COMMERCE 10-6-2005.

FOR: BUSINESS MARKETING CONSULTING
SERVICES IN THE NATURE OF PROVIDING PRO-
MOTIONAL SERVICES AND EQUIPMENT TO OTH-
ERS FOR INDEPENDENT USE THEREOF,
NAMELY RENTAL OF OFFICE MACHINERY
AND EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-013,117, FILED 10-4-2006.

ALICE BENMAMAN, EXAMINING ATTORNEY

EXHIBIT C

to

**AMENDED DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S
RESPONSE TO OPPOSER'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

KARL R. CANNON (Registration No. 36,468)
BRETT J. DAVIS (Registration No. 46,655)
CLAYTON, HOWARTH & CANNON, P.C.
6965 Union Park Center, Suite 400
Cottonwood Heights, Utah 84047
P.O. Box 1909
Sandy, Utah 84091-1909
Telephone: (801) 255-5335
Facsimile: (801) 255-5338

Attorneys for Connect Public Relations, Inc.

Opposed Mark: CONNECT
U.S. Trademark Application Serial Number: 77/714,693
Published: March 2, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CONNECT PUBLIC RELATIONS, INC., a Utah
corporation,

Opposer

v.

DIGITALMOJO, INC., a California corporation,

Applicant.

**OPPOSER'S RESPONSES TO
APPLICANT'S THIRD SET OF
INTERROGATORIES**

Opposition No. 91196299

Pursuant to Federal Rules of Civil Procedure, Rule 33, Connect Public Relations, Inc. (hereinafter "Responding Party" or "Opposer") responds and objects to Digitalmojo Inc.'s (hereinafter "Propounding Party" or "Applicant") Third Set of Interrogatories propounded on Responding Party as follows:

GENERAL OBJECTIONS

Opposer hereby incorporates by reference the General Objections set forth in Opposer's Responses to Applicant's First Set of Interrogatories as if fully set forth herein.

1 INTERROGATORIES

2 INTERROGATORY NO. 1

- 3 1. Define “the connectivity market,” as this phrase is used in the documents numbered CPR
4 000388 - CPR 000393 produced by Opposer with Opposer’s Responses to Applicants
5
6 Second Set of Requests for Production of Documents and Things.

7 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
8 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity
9 market.” Opposer further objects as none of the goods or services, classes of customers, or
10 channels of trade in the Applicant’s application are limited to the “connectivity market.”
11
12 Opposer further objects to this request as vague.
13

14 INTERROGATORY NO. 2

- 15 2. State what percentage of Opposer’s clients are within “the connectivity market.”
16

17 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
18 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity
19 market.” Opposer further objects as none of the goods or services, classes of customers, or
20 channels of trade in the Applicant’s application are limited to the “connectivity market.”
21
22 Opposer further objects to this request as vague.
23

24 INTERROGATORY NO. 3

- 25 3. Identify Opposer’s clients that are within “the connectivity market.”
26

27 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
28 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity

1 market.” Opposer further objects as none of the goods or services, classes of customers, or
2 channels of trade in the Applicant’s application are limited to the “connectivity market.”
3 Opposer further objects to this request as vague.
4

5
6 INTERROGATORY NO. 4

7 4. Identify Opposer’s clients that are not within “the connectivity market.”

8 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
9 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity
10 market.” Opposer further objects as none of the goods or services, classes of customers, or
11 channels of trade in the Applicant’s application are limited to the “connectivity market.”
12 Opposer further objects to this request as vague.
13

14
15 INTERROGATORY NO. 5

16
17 5. Identify which of Opposer’s clients provide high technology goods or services.

18 Response: Opposer objects to this request as being unduly burdensome as it would require it to
19 investigate the goods and services of all of its clients and make the distinction between
20 technology and high technology. Opposer further objects to this request as irrelevant as none of
21 the goods or services, classes of customers, or channels of trade in Opposer’s registrations are
22 limited to the “high technology.” Opposer further objects as none of the goods or services,
23 classes of customers, or channels of trade in the Applicant’s application are limited to “high
24 technology.” Opposer further objects to this request as vague.
25

26
27 INTERROGATORY NO. 6

28 6. Identify which of Opposer’s clients provide high technology goods or services.

1 Response: See response to Interrogatory No. 5.

2
3 INTERROGATORY NO. 7

4
5 7. To what industries does Opposer presently supply its goods or services.

6 Response: Opposer objects to this request as being unduly burdensome as it would require it to
7 investigate the industry of all of its clients. Opposer further objects to this request as irrelevant
8 as none of the goods or services, classes of customers, or channels of trade in Opposer's
9 registrations or in Applicant's application are limited to any particular industry.
10

11
12 INTERROGATORY NO. 8

13 8. State which services, among those Opposer discusses in the documents numbered CPR
14 000388 - CPR 000393 produced by Opposer with Opposer's Responses to Applicants
15 Second Set of Requests for Production of Documents and Things, Opposer offers to
16 Consumers.
17

18 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
19 interrogatories as agreed to by the parties.
20

21
22
23 INTERROGATORY NO. 9

24 9. State which of Opposer's goods or services are not "connectivity" services.

25 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
26 interrogatories as agreed to by the parties.
27

28 INTERROGATORY NO. 10

1 10. State which of Opposer's goods or services it offers or supplies to consumers.

2 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
3 interrogatories agreed to by the parties.
4
5

6 INTERROGATORY NO. 11

7 11. State which services Opposer intends to offer or supply under the mark CONNECT
8 MARKETING other than those identified in its pending application for registration of
9 CONNECT MARKETING, serial number 85061227.
10

11 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
12 interrogatories agreed to by the parties.
13

14 INTERROGATORY NO. 12

15 12. State which services Opposer has ever offered or supplied under the mark CONNECTPR,
16 other than those identified in its pending application for registration of CONNECT
17 MARKETING, serial number 85061227.
18

19 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
20 interrogatories agreed to by the parties.
21

22 INTERROGATORY NO. 13

23 13. State which services Opposer has ever offered or supplied under the mark CONNECT
24 PUBLIC RELATIONS, other than those identified in its pending application for
25 registration of CONNECT MARKETING, serial number 85061227.
26
27

28 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
interrogatories agreed to by the parties.

1
2 INTERROGATORY NO. 14

3 14. State whether Opposer works for its clients on a project basis, after submitting to them
4 fixed-cost bids, and whether Opposer uses such a process with clients never, seldom,
5 usually, or always.
6

7 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
8 interrogatories agreed to by the parties.
9

10
11 INTERROGATORY NO. 15

12 15. State what industries Opposer refers to, when it uses the phrase “this specific market-
13 place,” as that phrase is used in the document numbered CPR 000643 produced by
14 Opposer.
15

16 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
17 interrogatories agreed to by the parties.
18

19 INTERROGATORY NO. 16

20 16. Identify each of Opposer’s clients, and state describe each such client’s industry.
21

22 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
23 interrogatories agreed to by the parties.
24

25 INTERROGATORY NO. 17

26 17. Describe how Opposer services it clients, as “the largest connectivity-specific PR firm in
27
28

1 the world,” which Opposer claims in the document numbered CPR 000643 produced by
2 Opposer.

3 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
4 interrogatories agreed to by the parties.
5

6
7 INTERROGATORY NO. 18

8 18. Describe how Opposer serves “this specific market-place,” as that phrase is used in the
9 document numbered CPR 000643 produced by Opposer.
10

11 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
12 interrogatories agreed to by the parties.
13

14 INTERROGATORY NO. 19

15 19. Describe what a “connectivity-specific PR firm” does, as this phrase is used in the
16 Opposer’s document numbered CPR 000643.
17

18 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
19 interrogatories agreed to by the parties.
20

21 INTERROGATORY NO. 20

22 20. State how Opposer’s services are different from those identified in its pending application
23 for registration of CONNECT MARKETING, serial number 85061227.
24

25 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
26 interrogatories agreed to by the parties.
27

1
2 INTERROGATORY NO. 21

3 21. State how the business of “public relations” services, rendered to others, are different
4 from those identified in Opposer’s pending application for registration of CONNECT
5 MARKETING, serial number 85061227.
6

7 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
8 interrogatories agreed to by the parties.
9

10
11 INTERROGATORY NO. 22

12 22. State how Opposer’s services are different from the business of “public relations”
13 services, rendered to others.

14 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
15 interrogatories agreed to by the parties.
16

17
18 INTERROGATORY NO. 23

19 23. List Opposer’s clients which are not “connectivity” clients.

20 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
21 interrogatories agreed to by the parties.
22

23
24 INTERROGATORY NO. 24

25 24. List Opposer’s clients which are not “technology” clients.

26 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
27

1 interrogatories agreed to by the parties.

2
3 INTERROGATORY NO. 25

4
5 25. Define "connectivity clients," as that phrase is used in the document numbered CPR
6 001086 produced by Opposer with Opposer's Responses to Applicants Second Set of
7 Requests for Production of Documents and Things.

8 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
9 interrogatories agreed to by the parties.
10

11
12 INTERROGATORY NO. 26

13 26. State the annual volume of advertising under and/or in connection with Opposer's Marks
14 in connection with the goods and services set forth in Opposer's registrations for each
15 year since such advertising commenced.

16
17 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
18 interrogatories agreed to by the parties.
19

20 INTERROGATORY NO. 27

21 27. Identify each medium in which Opposer's Marks have been or is intended to be used.

22
23 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
24 interrogatories agreed to by the parties.
25

26 INTERROGATORY NO. 28

1 28. Identify all promotional activities undertaken by Opposer in which the mark CONNECT,
2 or any variation thereof, has been used in connection with the goods and services set forth
3 in Opposer's registrations for each year since such promotion commenced.
4

5 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
6 interrogatories agreed to by the parties.
7

8 INTERROGATORY NO. 29

9 29. For each product and service in connection with which Opposer is using or intends to use
10 Opposer's Marks, identify, in detail, the channels of trade through which such products
11 and/or services have been or are intended to be sold and/or rendered.
12

13 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
14 interrogatories agreed to by the parties.
15

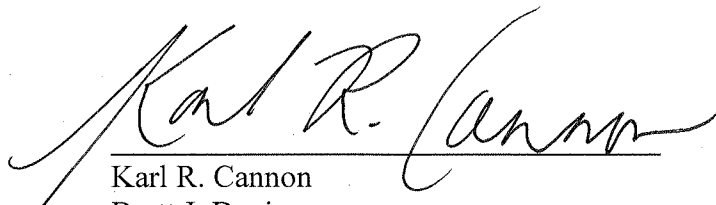
16 INTERROGATORY NO. 30

17 30. Provide a general description of the type of customers to whom Opposer does or intends
18 to advertise, promote, and/or sell Opposer's products and/or services in connection with
19 Opposer's Marks.
20

21 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
22 interrogatories agreed to by the parties.
23
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27

1 DATED this 5 day of December, 2011.

2
3 Respectfully submitted, as to the objections contained herein, pursuant to Rule 33 of the
4 Federal Rules of Civil Procedure, and Section 405.04(c) of the Trademark Trial and Appeal
5 Board Manual of Procedure.
6

7
8 
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Opposed Mark: CONNECT
U.S. Trademark Application Serial Number: 77/714,693
Published: March 2, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CONNECT PUBLIC RELATIONS, INC., a Utah
corporation,

Opposer,

v.

DIGITALMOJO, INC., a California corporation,

Applicant.

**OPPOSER'S RESPONSE TO
APPLICANT'S SECOND SET OF
REQUESTS FOR ADMISSIONS**

Opposition No. 91196299

RESPONSES TO REQUESTS FOR ADMISSIONS

Pursuant to Federal Rules of Civil Procedure, Rule 36, Connect Public Relations, Inc.
("Opposer") responds and objects to Applicant's Second Set of Requests for Admissions.

General Objections

1. Opposer hereby incorporates by reference the General Objections set forth in
Opposer's Responses to Applicant's First Set of Interrogatories as if fully set forth herein.

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1

1. Admit the document numbered CPR 000004, produced by Opposer with Opposer's

Responses to Applicants Second Set of Requests for Production of Documents and Things, which document is attached hereto, is genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 2

2. Admit the document numbered CPR 000006, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, which document is attached hereto, is genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 3

3. Admit the document numbered CPR 000007, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, which document is attached hereto, is genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 4

4. Admit the document numbered CPR 000008, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, which document is attached hereto, is genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 5

5. Admit the documents numbered CPR 000084 - CPR 000086, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, which documents are attached hereto, are genuine.

RESPONSE: The documents numbered CPR 000084 - CPR 000086 were not created by Opposer and therefore Opposer denies the same.

1 REQUEST FOR ADMISSION NO. 6

2 6. Admit the documents numbered CPR 000084 - CPR 000086, produced by Opposer with
3 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
4 and Things, which documents are attached hereto, shows an online dictionary entry for
5 the word "connect" from Encarta.

6 RESPONSE: The documents numbered CPR 000084 - CPR 000086 were not created by Opposer
7 and therefore Opposer denies the same.

8
9 REQUEST FOR ADMISSION NO. 7

10 7. Admit the documents numbered CPR 000084 - CPR 000086, produced by Opposer with
11 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
12 and Things, demonstrates the word "connect" is a common word in English.

13 RESPONSE: Opposer admits that the word "connect" is an English word but denies that the
14 documents numbered CPR000084 - CPR000086 demonstrate that the word "connect" is a
15 common word in English.

16
17 REQUEST FOR ADMISSION NO. 8

18 8. Admit Opposer often uses the word "connect" to describe its services.

19 RESPONSE: Opposer objects to this request as irrelevant as Opposer's registrations are
20 incontestable and cannot be challenged on the basis of descriptiveness.

21
22 REQUEST FOR ADMISSION NO. 9

23 9. Admit Opposer often uses the word "connect" in the materials by which it markets its
24 services.

25 RESPONSE: Opposer admits that it uses the word "connect" in its marks CONNECT,
26 CONNECT PUBLIC RELATIONS and CONNECTPR in the materials by which it markets its
27 services.

28
REQUEST FOR ADMISSION NO. 10

10. Admit word "connect" is often used in the public relations industry.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 11

11. Admit word "connect" is often used in the Opposer's industry.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 12

12. Admit the documents numbered CPR 000103 - CPR 000110, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 13

13. Admit the documents numbered CPR 000103 - CPR 000110, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, comprises a Combined Declaration of Use submitted to the U.S. Patent & Trademark Office by Opposer, or its attorney on Opposer's behalf, to demonstrate use of the mark CONNECT PUBLIC RELATIONS, registered under number 2,383,788.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 14

14. Admit the documents numbered CPR 000103 - CPR 000110, produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, states Opposer has used the mark CONNECT PUBLIC RELATIONS, registered under number 2,383,788, on all goods or services listed in such registration.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 15

1 15. Admit the services identified in the registration of the mark CONNECT PUBLIC
2 RELATIONS, registered under number 2,383,788, includes International Class 038
3 services.

4 RESPONSE: Opposer objects to this request as irrelevant.

5
6 REQUEST FOR ADMISSION NO. 16

7 16. Admit the services classified by the U.S. Patent & Trademark Office under International
8 Class 038 include: local and long distance telephone services, broadcasting of television
9 programmes, providing Internet access, and “telecommunication services, namely,
10 transmission of voice, data, graphics, sound and video by means of broadband power line
11 or wireless networks.”

12 RESPONSE: Opposer objects to this request as irrelevant.

13
14 REQUEST FOR ADMISSION NO. 17

15 17. Admit the “telecommunications industry” is an industry which carries messages and
16 information for others.

17 RESPONSE: Opposer objects to this request as vague as an “industry,” by definition, does not
18 carry messages and information for others. Opposer further objects to this request as irrelevant.

19
20 REQUEST FOR ADMISSION NO. 18

21 18. Admit the services classified by the U.S. Patent & Trademark Office under International
22 Class 038 include services supplied by the “telecommunications industry.”

23 RESPONSE: Opposer objects to this request as irrelevant.

24
25 REQUEST FOR ADMISSION NO. 19

26 19. Admit Opposer is not in the “telecommunications industry.”

27 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of the term
28 “telecommunications industry.” Opposer further objects to this request as irrelevant as none of
the goods or services, classes of customers, or channels of trade in Opposer’s registrations are

1 limited to the “telecommunications industry.”

2
3 REQUEST FOR ADMISSION NO. 20

4 20. Admit Opposer is only in the “telecommunications industry.”

5 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of the term
6 “telecommunications industry.” Opposer further objects to this request as irrelevant as none of
7 the goods or services, classes of customers, or channels of trade in Opposer’s registrations are
8 limited to the “telecommunications industry.”

9
10 REQUEST FOR ADMISSION NO. 21

11 21. Admit the documents numbered CPR 000121 - CPR 000123, produced by Opposer with
12 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
13 and Things, which documents are attached hereto, are genuine.

14 RESPONSE: Admitted.

15
16 REQUEST FOR ADMISSION NO. 22

17 22. Admit the documents numbered CPR 000121 - CPR 000123, produced by Opposer with
18 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
19 and Things, comprises a Combined Declaration of Use submitted to the U.S. Patent &
20 Trademark Office by Opposer, or its attorney on Opposer’s behalf, to demonstrate use of
21 the mark CONNECT PUBLIC RELATIONS, registered under number 2,383,788.

22 RESPONSE: Admitted.

23
24 REQUEST FOR ADMISSION NO. 23

25 23. Admit the documents numbered CPR 000121 - CPR 000123, produced by Opposer with
26 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
27 and Things, states Opposer has used the mark CONNECT PUBLIC RELATIONS,
28 registered under number 2,383,788, on all goods or services listed in such registration.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 24

2 24. Admit the services identified in the registration of the mark CONNECT PUBLIC
3 RELATIONS, registered under number 2,383,788, includes International Class 038
4 services.

5 RESPONSE: Opposer objects to this request as irrelevant.
6

7 REQUEST FOR ADMISSION NO. 25

8 25. Admit the services classified by the U.S. Patent & Trademark Office under International
9 Class 038 include: local and long distance telephone services, broadcasting of television
10 programmes, providing Internet access, and “telecommunication services, namely,
11 transmission of voice, data, graphics, sound and video by means of broadband power line
12 or wireless networks.”

13 RESPONSE: Opposer objects to this request as being irrelevant.
14

15 REQUEST FOR ADMISSION NO. 26

16 26. Admit the industry of “telecommunications” includes only the carrying messages and
17 information for others.

18 RESPONSE: Opposer objects to this request as being irrelevant and vague.
19

20 REQUEST FOR ADMISSION NO. 27

21 27. Admit the services classified by the U.S. Patent & Trademark Office under International
22 Class 038 include only services supplied by the “telecommunications industry.”

23 RESPONSE: Opposer objects to this request as being irrelevant.
24

25 REQUEST FOR ADMISSION NO. 28

26 28. Admit Opposer is not supplying services as a “telecommunications” company.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer’s registrations are limited to
“telecommunications.”

1
2 REQUEST FOR ADMISSION NO. 29

3 29. Admit Opposer is only supplying services as a “telecommunications” company.

4 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
5 services, classes of customers, or channels of trade in Opposer’s registrations are limited to
6 “telecommunications.”

7
8 REQUEST FOR ADMISSION NO. 30

9 30. Admit Opposer is supplying some services as a “telecommunications” company.

10 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
11 services, classes of customers, or channels of trade in Opposer’s registrations are limited to
12 “telecommunications.”

13
14 REQUEST FOR ADMISSION NO. 31

15 31. Admit Opposer is supplying some “telecommunications” services.

16 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
17 services, classes of customers, or channels of trade in Opposer’s registrations are limited to
18 “telecommunications.”

19
20 REQUEST FOR ADMISSION NO. 32

21 32. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
22 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
23 and Things, which documents are attached hereto, are genuine.

24 RESPONSE: Admitted.

25
26 REQUEST FOR ADMISSION NO. 33

27 33. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
28 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
and Things, show coverage Opposer’s clients have received.

1 RESPONSE: Admitted.

2
3 REQUEST FOR ADMISSION NO. 34

4 34. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
5 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
6 and Things, show coverage about Opposer's clients which are in the technology industry.

7 RESPONSE: Admitted.

8
9 REQUEST FOR ADMISSION NO. 35

10 35. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
11 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
12 and Things, show the company Microsoft is or was a client of Opposer.

13 RESPONSE: Admitted.

14
15 REQUEST FOR ADMISSION NO. 36

16 36. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
17 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
18 and Things, show the company Symantec is or was a client of Opposer.

19 RESPONSE: Admitted.

20
21 REQUEST FOR ADMISSION NO. 37

22 37. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
23 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, show the company Lexmark International is or was a client of Opposer.

25 RESPONSE: Admitted.

26
27 REQUEST FOR ADMISSION NO. 38

28 38. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
Opposer's Responses to Applicants Second Set of Requests for Production of Documents

1 and Things, show the company V-ONE is or was a client of Opposer.

2 RESPONSE: Admitted.

3
4 REQUEST FOR ADMISSION NO. 39

5 39. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
6 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
7 and Things, show the company Internet Security Systems is or was a client of Opposer.

8 RESPONSE: Admitted.

9
10 REQUEST FOR ADMISSION NO. 40

11 40. Admit Opposer considers the company Microsoft a technology company, which writes
12 and distributes computer operating systems.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14
15 REQUEST FOR ADMISSION NO. 41

16 41. Admit Opposer considers the company Symantec a technology company, which writes
17 and distributes computer security systems.

18 RESPONSE: Opposer objects to this request as being irrelevant and vague.

19
20 REQUEST FOR ADMISSION NO. 42

21 42. Admit Opposer considers the company Lexmark International a technology company,
22 which manufactures and distributes computer printers.

23 RESPONSE: Opposer objects to this request as being irrelevant and vague.

24
25 REQUEST FOR ADMISSION NO. 43

26 43. Admit Opposer considers the company V-ONE a technology company in the field of
27 virtual private networks.

28 RESPONSE: Opposer objects to this request as being irrelevant and vague.

1 REQUEST FOR ADMISSION NO. 44

2 44. Admit Opposer considers the company Internet Security Systems a technology company
3 in the field of Internet security.

4 RESPONSE: Opposer objects to this request as being irrelevant and vague.
5

6 REQUEST FOR ADMISSION NO. 45

7 45. Admit many of Opposer's clients are in technology industries.

8 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
9 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
10 application are limited to "technology industries."
11

12 REQUEST FOR ADMISSION NO. 46

13 46. Admit most of Opposer's clients are in technology industries.

14 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
15 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
16 application are limited to "technology industries."
17

18 REQUEST FOR ADMISSION NO. 47

19 47. Admit all of Opposer's clients are in technology industries.

20 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
21 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
22 application are limited to "technology industries."
23

24 REQUEST FOR ADMISSION NO. 48

25 48. Admit over 50% of Opposer's clients are in technology industries.

26 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
27 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
28 application are limited to "technology industries."

1 REQUEST FOR ADMISSION NO. 49

2 49. Admit over 60% of Opposer's clients are in technology industries.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology industries."

7 REQUEST FOR ADMISSION NO. 50

8 50. Admit over 70% of Opposer's clients are in technology industries.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology industries."

13 REQUEST FOR ADMISSION NO. 51

14 51. Admit over 80% of Opposer's clients are in technology industries.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
17 application are limited to "technology industries."

19 REQUEST FOR ADMISSION NO. 52

20 52. Admit over 90% of Opposer's clients are in technology industries.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
23 application are limited to "technology industries."

25 REQUEST FOR ADMISSION NO. 53

26 53. Admit over 95% of Opposer's clients are in technology industries.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
application are limited to "technology industries."

1 REQUEST FOR ADMISSION NO. 54

2 54. Admit over 98% of Opposer's clients are in technology industries.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology industries."

6
7 REQUEST FOR ADMISSION NO. 55

8 55. Admit Opposer markets its services to many technology companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology companies."

12
13 REQUEST FOR ADMISSION NO. 56

14 56. Admit Opposer markets its services mostly to technology companies.

15 RESPONSE: Opposer objects to this request as vague irrelevant as none of the goods or services,
16 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
17 are limited to "technology companies."

18
19 REQUEST FOR ADMISSION NO. 57

20 57. Admit Opposer markets its services only to technology companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
23 application are limited to "technology companies."

24
25 REQUEST FOR ADMISSION NO. 58

26 58. Admit Opposer markets over 50% of its services to technology companies.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
application are limited to "technology companies."

1 REQUEST FOR ADMISSION NO. 59

2 59. Admit Opposer markets over 60% of its services to technology companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology companies."

6
7 REQUEST FOR ADMISSION NO. 60

8 60. Admit Opposer markets over 70% of its services to technology companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology companies."

12
13 REQUEST FOR ADMISSION NO. 61

14 61. Admit Opposer markets over 80% of its services to technology companies.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
17 application are limited to "technology companies."

18
19 REQUEST FOR ADMISSION NO. 62

20 62. Admit Opposer markets over 90% its services to technology companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
23 application are limited to "technology companies."

24
25 REQUEST FOR ADMISSION NO. 63

26 63. Admit Opposer markets over 95% of its services to technology companies.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
application are limited to "technology companies."

1 REQUEST FOR ADMISSION NO. 64

2 64. Admit Opposer markets over 98% of its services to technology companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology companies."

7 REQUEST FOR ADMISSION NO. 65

8 65. Admit Opposer markets its services only to technology companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology companies."

13 REQUEST FOR ADMISSION NO. 66

14 66. Admit Opposer markets its services to those in the field of technology.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
17 application are limited to "the field of technology."

19 REQUEST FOR ADMISSION NO. 67

20 67. Admit the documents numbered CPR 000156 - CPR 000160, produced by Opposer with
21 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
22 and Things, which documents are attached hereto, are genuine.

23 RESPONSE: Admitted.

25 REQUEST FOR ADMISSION NO. 68

26 68. Admit the documents numbered CPR 000156 - CPR 000160 show Opposer's response to
27 the communication from the U.S. Patent & Trademark office during prosecution of an
28 application for the mark CONNECT PUBLIC RELATIONS, which was then proceeding
under serial number 75/456,520.

1 RESPONSE: Admitted.

2
3 REQUEST FOR ADMISSION NO. 69

4 69. Admit the documents numbered CPR 000156 - CPR 000160 show Opposer applied for
5 registration of the mark CONNECT PUBLIC RELATIONS at the U.S. Patent &
6 Trademark office identifying some "communications services" in serial number 75/456,
7 520.

8 RESPONSE: Opposer objects to this request as being irrelevant and vague.

9
10 REQUEST FOR ADMISSION NO. 70

11 70. Admit the documents numbered CPR 000156 - CPR 000160 show Opposer stated, in its
12 application for registration of the mark CONNECT PUBLIC RELATIONS at the U.S.
13 Patent & Trademark office in serial number 75/456, 520 that the phrase "communications
14 services" "claims the entirety of international class 38 and all its forms of communication
15 and electronic transmission related services, until narrowed further as applicant has done
16 by this amendment."

17 RESPONSE: Denied.

18
19 REQUEST FOR ADMISSION NO. 71

20 71. Admit that the phrase "communications services" in international class 38 means
21 transmission of information by electronic means for others.

22 RESPONSE: Opposer objects to this request as being irrelevant and vague.

23
24 REQUEST FOR ADMISSION NO. 72

25 72. Admit that the phrase "communication and electronic transmission related services" in
26 international class 38 means transmission of information by electronic means for others.

27 RESPONSE: Opposer objects to this request as being irrelevant and vague.

28
REQUEST FOR ADMISSION NO. 73

1 73. Admit that “communications services” in international class 38 involves accurate
2 transmission of information by electronic means for others.

3 RESPONSE: Opposer objects to this request as being irrelevant and vague.

4
5 REQUEST FOR ADMISSION NO. 74

6 74. Admit that “communication and electronic transmission related services” in international
7 class 38 involves accurate transmission of information by electronic means for others.

8 RESPONSE: Opposer objects to this request as being irrelevant and vague.

9
10 REQUEST FOR ADMISSION NO. 75

11 75. Admit that “communications services” in international class 38 does not involve the
12 addition of Opposer’s information to the information supplied for transmission by others.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14
15 REQUEST FOR ADMISSION NO. 76

16 76. Admit that “communication and electronic transmission related services” in international
17 class 38 does not involve the addition of information by Opposer to the information
18 supplied for transmission by others.

19 RESPONSE: Opposer objects to this request as being irrelevant and vague.

20
21 REQUEST FOR ADMISSION NO. 77

22 77. Admit the documents numbered CPR 000176 - CPR 000178, produced by Opposer with
23 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, which documents are attached hereto, are genuine.

25 RESPONSE: Admitted.

26
27 REQUEST FOR ADMISSION NO. 78

28 78. Admit the documents numbered CPR 000207 - CPR 000208, produced by Opposer with
Opposer’s Responses to Applicants Second Set of Requests for Production of Documents

1 and Things, which documents are attached hereto, are genuine.

2 RESPONSE: Admitted.

3
4 REQUEST FOR ADMISSION NO. 79

5 79. Admit the documents numbered CPR 000207 - CPR 000208, produced by Opposer with
6 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
7 and Things, which documents are attached hereto, shows Opposer has described itself as
8 a "high-tech public relations firm," which has specialized in media relations for the
9 connectivity and Internet infrastructure industries.

10 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
11 services, classes of customers, or channels of trade in Opposer's registrations are limited to
12 "high-tech public relations."

13
14 REQUEST FOR ADMISSION NO. 80

15 80. Admit the documents numbered CPR 000207 - CPR 000208, produced by Opposer with
16 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
17 and Things, which documents are attached hereto, shows Opposer has provided its "high-
18 tech public relations" to for the connectivity and Internet infrastructure industries to
19 Symantec, Siemens and F5 Networks.

20 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
21 services, classes of customers, or channels of trade in Opposer's registrations are limited to
22 "high-tech public relations."

23
24 REQUEST FOR ADMISSION NO. 81

25 81. Admit Symantec, Siemens and F5 Networks are all high-tech companies.

26 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
27 services, classes of customers, or channels of trade in Opposer's registrations are limited to
28 "high-tech companies."

1 REQUEST FOR ADMISSION NO. 82

2 82. Admit Opposer offers its services only to high-tech companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations are limited to
5 "high-tech companies."
6

7 REQUEST FOR ADMISSION NO. 83

8 83. Admit Opposer specializes in public relations services to high-tech companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations are limited to
11 "high-tech companies."
12

13 REQUEST FOR ADMISSION NO. 84

14 84. Admit Opposer provides over 50% of its public relations services to high-tech companies.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations are limited to
17 "high-tech companies."
18

19 REQUEST FOR ADMISSION NO. 85

20 85. Admit Opposer provides over 60% of its public relations services to high-tech companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations are limited to
23 "high-tech companies."
24

25 REQUEST FOR ADMISSION NO. 86

26 86. Admit Opposer provides over 70% of its public relations services to high-tech companies.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations are limited to
"high-tech companies."

1 REQUEST FOR ADMISSION NO. 87

2 87. Admit Opposer provides over 80% of its public relations services to high-tech companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations are limited to
5 "high-tech companies."

6
7 REQUEST FOR ADMISSION NO. 88

8 88. Admit Opposer provides over 90% of its public relations services to high-tech companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations are limited to
11 "high-tech companies."

12
13 REQUEST FOR ADMISSION NO. 89

14 89. Admit Opposer provides over 95% of its public relations services to high-tech companies.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations are limited to
17 "high-tech companies."

18
19 REQUEST FOR ADMISSION NO. 90

20 90. Admit Opposer provides over 98% of its public relations services to high-tech companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations are limited to
23 "high-tech companies."

24
25 REQUEST FOR ADMISSION NO. 91

26 91. Admit the documents numbered CPR 000345 - CPR 000360, produced by Opposer with
27 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
28 and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 92

2 92. Admit the documents numbered CPR 000345 - CPR 000360 show Opposer's Combined
3 Declaration of Use filed at the U.S. Patent & Trademark Office after registration of the
4 mark CONNECT PUBLIC RELATIONS, which mark was registered under registration
5 number 2373504.

6 RESPONSE: Admitted.

7
8 REQUEST FOR ADMISSION NO. 93

9 93. Admit registration number 2373504 issued with the following identification of services:
10 "Marketing and market research and consulting services; public and media relations
11 services and sales promotion services."

12 RESPONSE: Admitted.

13
14 REQUEST FOR ADMISSION NO. 94

15 94. Admit the documents numbered CPR 000345 - CPR 000360 show Opposer stated, in its
16 Declaration of Use filed at the U.S. Patent & Trademark Office, that "the mark is in use
17 in commerce on or in connection with all goods or services listed in the existing
18 registration for this specific class: Marketing and market research and consulting services;
19 public and media relations services."

20 RESPONSE: Admitted.

21
22 REQUEST FOR ADMISSION NO. 95

23 95. Admit the phrase "Marketing and market research and consulting services; public and
24 media relations services" does not include the phrase "sales promotion services."

25 RESPONSE: Opposer objects to this request as being irrelevant.

26
27 REQUEST FOR ADMISSION NO. 96

28 96. Admit the documents numbered CPR 000345 - CPR 000360 do not show Opposer is
continuing to use the mark CONNECT PUBLIC RELATIONS for "sales promotion

services.”

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 97

97. Admit the phrase “Marketing and market research and consulting services” identifies a particular kind of research and consulting services.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 98

98. Admit the particular kind of research and consulting services supplied in Opposer’s “Marketing and market research and consulting services” is research and consulting services about marketing and markets.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 99

99. Admit the phrase “Marketing and market research and consulting services” identifies both marketing services, and also market research and consulting services.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 100

100. Admit the phrase “Marketing and market research and consulting services” identifies marketing services, and also market research services, and also market consulting services.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 101

101. Admit Opposer’s “Marketing and market research and consulting services” are offered to and supplied to Opposer’s clients.

RESPONSE: Admitted.

1
2 REQUEST FOR ADMISSION NO. 102

3 102. Admit Opposer's "Marketing and market research and consulting services" are offered to
4 and supplied to Opposer's clients.

5 RESPONSE: Admitted.
6

7 REQUEST FOR ADMISSION NO. 103

8 103. Admit Opposer's "Marketing and market research and consulting services" are offered to
9 and supplied to Opposer's clients so Opposer's clients can better market their services.

10 RESPONSE: Opposer admits that this may be one reason for offering and supplying its services.
11

12 REQUEST FOR ADMISSION NO. 104

13 104. Admit Opposer's "Marketing and market research and consulting services" often result in
14 greater market exposure for the names of Opposer's clients.

15 RESPONSE: Opposer admits that this may be one result.
16

17 REQUEST FOR ADMISSION NO. 105

18 105. Admit greater market exposure for the names of Opposer's clients resulting from
19 Opposer's "Marketing and market research and consulting services" involves various
20 means to present the names of Opposer's clients to their customers.

21 RESPONSE: Opposer objects to this request as being vague as it is unclear of the meaning of the
22 phrase "various means" referred to in the request.
23

24 REQUEST FOR ADMISSION NO. 106

25 106. Admit Opposer presents its Opposer's Marks to its clients as Opposer markets its
26 "Marketing and market research and consulting services" to Opposer's clients.

27 RESPONSE: Admitted.
28

REQUEST FOR ADMISSION NO. 107

1 107. Admit Opposer presents its Opposer's Marks to its client's customers as Opposer markets
2 its "Marketing and market research and consulting services" to Opposer's clients.

3 RESPONSE: Opposer objects to this request as being irrelevant and vague.

4
5 REQUEST FOR ADMISSION NO. 108

6 108. Admit Opposer rarely presents its Opposer's Marks to its client's customers as Opposer
7 markets its "Marketing and market research and consulting services" to Opposer's clients.

8 RESPONSE: Opposer objects to this request as being irrelevant and vague.

9
10 REQUEST FOR ADMISSION NO. 109

11 109. Admit Opposer never presents its Opposer's Marks to its client's customers Opposer
12 markets its "Marketing and market research and consulting services" to Opposer's clients.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14
15 REQUEST FOR ADMISSION NO. 110

16 110. Admit Opposer presents its Opposer's Marks to its clients as Opposer performs its
17 "Marketing and market research and consulting services" to Opposer's clients.

18 RESPONSE: Admitted.

19
20 REQUEST FOR ADMISSION NO. 111

21 111. Admit Opposer presents its Opposer's Marks to its client's customers as Opposer
22 performs its "Marketing and market research and consulting services" to Opposer's
23 clients.

24 RESPONSE: Opposer objects to this request as being irrelevant and vague.

25
26 REQUEST FOR ADMISSION NO. 112

27 112. Admit Opposer rarely presents its Opposer's Marks to its client's customers as Opposer
28 performs its "Marketing and market research and consulting services" to Opposer's
clients.

1 RESPONSE: Opposer objects to this request as being irrelevant and vague.

2
3 REQUEST FOR ADMISSION NO. 113

4 113. Admit Opposer never presents its Opposer's Marks to its client's customers as Opposer
5 performs its "Marketing and market research and consulting services" to Opposer's
6 clients.

7 RESPONSE: Opposer objects to this request as being irrelevant and vague.

8
9 REQUEST FOR ADMISSION NO. 114

10 114. Admit Opposer presents its Opposer's Marks to its client's consumer customers as
11 Opposer performs its "Marketing and market research and consulting services" to
12 Opposer's clients.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14
15 REQUEST FOR ADMISSION NO. 115

16 115. Admit Opposer rarely presents its Opposer's Marks to its client's consumer customers as
17 Opposer performs its "Marketing and market research and consulting services" to
18 Opposer's clients.

19 RESPONSE: Opposer objects to this request as being irrelevant and vague.

20
21 REQUEST FOR ADMISSION NO. 116

22 116. Admit Opposer never presents its Opposer's Marks to its client's consumer customers as
23 Opposer performs its "Marketing and market research and consulting services" to
24 Opposer's clients.

25 RESPONSE: Opposer objects to this request as being irrelevant and vague.

26
27 REQUEST FOR ADMISSION NO. 117

28 117. Admit Opposer never presents its Opposer's Marks to consumers so that Opposer may
perform its "Marketing and market research and consulting services."

1 RESPONSE: Opposer objects to this request as being irrelevant and vague.

2
3 REQUEST FOR ADMISSION NO. 118

4 118. Admit the documents numbered CPR 000345 - CPR 000360 show Opposer stated, in its
5 application for registration of the mark CONNECT PUBLIC RELATIONS at the U.S.
6 Patent & Trademark office in serial number 75/456, 520 that the phrase “communications
7 services” “claims the entirety of international class 38 and all its forms of communication
8 and electronic transmission related services, until narrowed further as applicant has done
9 by this amendment.”

10 RESPONSE: Denied.

11
12 REQUEST FOR ADMISSION NO. 119

13 119. Admit that the phrase “communications services” in international class 38 means
14 transmission of information by electronic means for others.

15 RESPONSE: Opposer objects to this request as being irrelevant and vague.

16
17 REQUEST FOR ADMISSION NO. 120

18 120. Admit that the phrase “communication and electronic transmission related services” in
19 international class 38 means transmission of information by electronic means for others.

20 RESPONSE: Opposer objects to this request as being irrelevant and vague.

21
22 REQUEST FOR ADMISSION NO. 121

23 121. Admit that “communications services” in international class 38 involves accurate
24 transmission of information by electronic means for others.

25 RESPONSE: Opposer objects to this request as being irrelevant and vague.

26
27 REQUEST FOR ADMISSION NO. 122

28 122. Admit that “communication and electronic transmission related services” in international
class 38 involves accurate transmission of information by electronic means for others.

1 RESPONSE: Opposer objects to this request as being irrelevant and vague.

2
3 REQUEST FOR ADMISSION NO. 123

4 123. Admit that “communications services” in international class 38 does not involve the
5 addition of Opposer’s information to the information supplied for transmission by others.

6 RESPONSE: Opposer objects to this request as being irrelevant and vague.

7
8 REQUEST FOR ADMISSION NO. 124

9 124. Admit that “communication and electronic transmission related services” in international
10 class 38 does not involve the addition of information by Opposer to the information
11 supplied for transmission by others.

12 RESPONSE: Opposer objects to this request as being irrelevant and vague.

13
14 REQUEST FOR ADMISSION NO. 125

15 125. Admit the documents numbered CPR 000375 - CPR 000376 produced by Opposer with
16 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
17 and Things, which documents are attached hereto, are genuine.

18 RESPONSE: Admitted.

19
20 REQUEST FOR ADMISSION NO. 126

21 126. Admit the documents numbered CPR 000375 - CPR 000376 produced by Opposer with
22 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
23 and Things, states Opposer was, at the time the statement was made, using “the mark” in
24 commerce on or in connection with all goods and/or services “listed in the existing
25 registration.”

26 RESPONSE: Admitted.

27
28 REQUEST FOR ADMISSION NO. 127

127. Admit the documents numbered CPR 000375 - CPR 000376 refer to the registration of

1 the mark CONNECT PUBLIC RELATIONS, registered under number 2373504, and that
2 all goods and/or services “listed in the existing registration” comprise: “Marketing and
3 market research and consulting services; public and media relations services and sales
4 promotion services.”

5 RESPONSE: Admitted.

6
7 REQUEST FOR ADMISSION NO. 128

8 128. Admit at the time Opposer made the statement it was using the mark CONNECT
9 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
10 “listed in the existing registration,” as set forth in documents numbered CPR 000375 -
11 CPR 000376, Opposer was not using its mark on all “marketing” services.

12 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
13 'marketing' services." Opposer objects to this request as being irrelevant as Opposer’s use of its
14 marks is not at issue.

15
16 REQUEST FOR ADMISSION NO. 129

17 129. Admit at the time Opposer made the statement it was using the mark CONNECT
18 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
19 “listed in the existing registration,” as set forth in documents numbered CPR 000375 -
20 CPR 000376, Opposer was not using its mark on all “market research” services.

21 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
22 'market research' services." Opposer objects to this request as being irrelevant as Opposer’s use
23 of its marks is not at issue.

24
25 REQUEST FOR ADMISSION NO. 130

26 130. Admit at the time Opposer made the statement it was using the mark CONNECT
27 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
28 “listed in the existing registration,” as set forth in documents numbered CPR 000375 -
CPR 000376, Opposer was not using its mark on all “consulting services.”

1 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
2 consulting services." Opposer objects to this request as being irrelevant as Opposer's use of its
3 marks is not at issue.

4
5 REQUEST FOR ADMISSION NO. 131

6 131. Admit at the time Opposer made the statement it was using the mark CONNECT
7 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
8 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
9 CPR 000376, Opposer was not using its mark on all "research and consulting services."

10 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
11 'research and consulting services.'" Opposer objects to this request as being irrelevant as
12 Opposer's use of its marks is not at issue.

13
14 REQUEST FOR ADMISSION NO. 132

15 132. Admit at the time Opposer made the statement it was using the mark CONNECT
16 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
17 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
18 CPR 000376, Opposer was not using its mark on all "market research and consulting
19 services."

20 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
21 'marketing research and consulting services.'" Opposer objects to this request as being irrelevant
22 as Opposer's use of its marks is not at issue.

23
24 REQUEST FOR ADMISSION NO. 133

25 133. Admit at the time Opposer made the statement it was using the mark CONNECT
26 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
27 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
28 CPR 000376, Opposer was not using its mark on all "Marketing and market research"
services.

1 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
2 'Marketing and market research' services." Opposer objects to this request as being irrelevant as
3 Opposer's use of its marks is not at issue.

4
5 REQUEST FOR ADMISSION NO. 134

6 134. Admit at the time Opposer made the statement it was using the mark CONNECT
7 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
8 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
9 CPR 000376, Opposer was not using its mark on all "sales promotion services."

10 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all 'sales
11 promotion services.'" Opposer objects to this request as being irrelevant as Opposer's use of its
12 marks is not at issue.

13
14 REQUEST FOR ADMISSION NO. 135

15 135. Admit at the time Opposer made the statement it was using the mark CONNECT
16 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
17 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
18 CPR 000376, Opposer was using its mark for all possible "marketing" services.

19 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
20 possible 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's
21 use of its marks is not at issue.

22
23 REQUEST FOR ADMISSION NO. 136

24 136. Admit at the time Opposer made the statement it was using the mark CONNECT
25 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
26 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
27 CPR 000376, Opposer was using its mark for all possible "market research" services.

28 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
possible 'market research' services." Opposer objects to this request as being irrelevant as

1 Opposer's use of its marks is not at issue.

2
3 REQUEST FOR ADMISSION NO. 137

4 137. Admit at the time Opposer made the statement it was using the mark CONNECT
5 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
6 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
7 CPR 000376, Opposer was using its mark for all possible "consulting services."

8 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "all
9 possible 'consulting services.'" Opposer objects to this request as being irrelevant as Opposer's
10 use of its marks is not at issue.

11
12 REQUEST FOR ADMISSION NO. 138

13 138. Admit at the time Opposer made the statement it was using the mark CONNECT
14 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
15 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
16 CPR 000376, Opposer was using its mark for all possible "research and consulting
17 services."

18 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
19 possible 'research and consulting services.'" Opposer objects to this request as being irrelevant
20 as Opposer's use of its marks is not at issue.

21
22 REQUEST FOR ADMISSION NO. 139

23 139. Admit at the time Opposer made the statement it was using the mark CONNECT
24 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
25 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
26 CPR 000376, Opposer was using its mark for all possible "market research and
27 consulting services."

28 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
possible market research and consulting services.'" Opposer objects to this request as being

1 irrelevant as Opposer's use of its marks is not at issue.

2
3 REQUEST FOR ADMISSION NO. 140

4 140. Admit at the time Opposer made the statement it was using the mark CONNECT
5 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
6 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
7 CPR 000376, Opposer was using its mark for all possible "Marketing and market
8 research" services.

9 RESPONSE: Opposer objects to this request as vague as it is unclear as to the meaning of "all
10 possible 'Marketing and market research' services." Opposer objects to this request as being
11 irrelevant as Opposer's use of its marks is not at issue.

12
13 REQUEST FOR ADMISSION NO. 141

14 141. Admit at the time Opposer made the statement it was using the mark CONNECT
15 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
16 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
17 CPR 000376, Opposer was using its mark for all possible "sales promotion services."

18 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "all
19 possible 'sales promotion services.'" Opposer objects to this request as being irrelevant as
20 Opposer's use of its marks is not at issue.

21
22 REQUEST FOR ADMISSION NO. 142

23 142. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer with
24 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
25 and Things, which documents are attached hereto, are genuine.

26 RESPONSE: Admitted.

27
28 REQUEST FOR ADMISSION NO. 143

143. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer is a

1 writing about marketing in the technology market.

2 RESPONSE: Opposer objects to this request as being vague and irrelevant as Opposer's
3 registrations are not limited to the "technology market."

4
5 REQUEST FOR ADMISSION NO. 144

6 144. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer is a
7 writing about marketing in the "connectivity" market.

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
9 classes of customers, or channels of trade in Opposer's registrations are limited to the
10 "connectivity market." Opposer further objects as none of the goods or services, classes of
11 customers, or channels of trade in the Applicant's application are limited to the "connectivity
12 market." Opposer further objects to this request as vague.

13
14 REQUEST FOR ADMISSION NO. 145

15 145. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer
16 describe "public relations" functions, as practiced by Opposer or others.

17 RESPONSE: Opposer admits that the documents numbered CPR 000388 - CPR 000393 describe
18 marketing and market research and consulting services; public and media relations services and
19 sales promotion functions.

20
21 REQUEST FOR ADMISSION NO. 146

22 146. Admit Opposer is a "public relations" company.

23 RESPONSE: Opposer objects to this request as vague and irrelevant. Opposer offers many
24 services including marketing and market research and consulting services; public and media
25 relations services and sales promotion services.

26
27 REQUEST FOR ADMISSION NO. 147

28 147. Admit Opposer provides many of the "public relations" functions described in documents
numbered CPR 000388 - CPR 000393.

1 RESPONSE: Opposer admits that it provides may of the functions, but that the functions are
2 marketing and market research and consulting services; public and media relations services and
3 sales promotion functions.

4
5 REQUEST FOR ADMISSION NO. 148

6 148. Admit Opposer provides only “public relations” functions, many of which are described
7 in documents numbered CPR 000388 - CPR 000393.

8 RESPONSE: Denied.

9
10 REQUEST FOR ADMISSION NO. 149

11 149. Admit Opposer is a “public relations” company.

12 RESPONSE: Opposer objects to this request as vague and irrelevant. Opposer offers many
13 services including marketing and market research and consulting services; public and media
14 relations services and sales promotion services.

15
16 REQUEST FOR ADMISSION NO. 150

17 150. Admit Opposer supplies marketing services to the “connectivity” market.

18 RESPONSE: Opposer objects to this request as vague as it is unclear as to the meaning of the
19 word connectivity in quotations as posed by Applicant. Opposer objects to this request as
20 irrelevant as none of the goods or services, classes of customers, or channels of trade in
21 Opposer’s registrations are limited to the “connectivity market.” Opposer further objects as none
22 of the goods or services, classes of customers, or channels of trade in the Applicant’s application
23 are limited to the “connectivity market.”

24
25 REQUEST FOR ADMISSION NO. 151

26 151. Admit Opposer supplies marketing services to the “high technology” market.

27 RESPONSE: Opposer objects to this request as vague as it is unclear as to the meaning of the
28 word high technology in quotations as posed by Applicant. Opposer objects to this request as
irrelevant as none of the goods or services, classes of customers, or channels of trade in

1 Opposer's registrations or the Applicant's application are limited to the "high technology"
2 market."

3
4 REQUEST FOR ADMISSION NO. 152

5 152. Admit Opposer supplies marketing services to some "technology segments," as that
6 phrase is used Opposer's documents numbered CPR 000388 - CPR 000393 (bottom of
7 CPR 000389).

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
9 classes of customers, or channels of trade in Opposer's registrations or the Applicant's
10 application are limited to the "technology segments."

11
12 REQUEST FOR ADMISSION NO. 153

13 153. Admit Opposer supplies marketing services to "clients," as that phrase is used in
14 Opposer's documents numbered CPR 000388 - CPR 000393 (middle of CPR 000392).

15 RESPONSE: Admitted.

16
17 REQUEST FOR ADMISSION NO. 154

18 154. Admit Opposer supplies marketing services to companies only under an agreement for
19 marketing services with its "clients," as that phrase is used in Opposer's documents
20 numbered CPR 000388 - CPR 000393 (middle of CPR 000392).

21 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
22 Opposer's registrations are limited to be only provided "under agreement."

23
24 REQUEST FOR ADMISSION NO. 155

25 155. Admit Opposer provides its marketing services to clients under an agreement for fees.

26 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
27 Opposer's registrations are limited to be only provided "under an arrangement for fees."

28
REQUEST FOR ADMISSION NO. 156

1 156. Admit Opposer provides its marketing services to clients under an agreement for set fees.

2 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
3 Opposer's registrations are limited to be only provided "under an agreement for set fees."

4
5 REQUEST FOR ADMISSION NO. 157

6 157. Admit Opposer provides some or all of its supplies marketing services to clients under an
7 agreement for fees.

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
9 Opposer's registrations are limited to be only provided "under an agreement for fees."

10
11 REQUEST FOR ADMISSION NO. 158

12 158. Admit Opposer provides some or all of its marketing services to clients under an
13 agreement in which fees are set for those marketing services Opposer provides.

14 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
15 Opposer's registrations are limited to be only provided "under an agreement in which fees are set
16 for those marketing services Opposer provides."

17
18 REQUEST FOR ADMISSION NO. 159

19 159. Admit the phrase "Marketing and market research and consulting services" is indefinite.

20 RESPONSE: Opposer objects to this request as vague and irrelevant. The definiteness of
21 Opposer's recited goods and services is not at issue.

22
23 REQUEST FOR ADMISSION NO. 160

24 160. Admit the documents numbered CPR 000542 - CPR 000550 produced by Opposer with
25 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
26 and Things, which documents are attached hereto, are genuine.

27 RESPONSE: Admitted.

28
REQUEST FOR ADMISSION NO. 161

1 161. Admit the documents numbered CPR 000542 - CPR 000550 produced by Opposer with
2 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
3 and Things, states Opposer was, at the time the statement was made, using "the mark" in
4 commerce on or in connection with all goods and/or services "listed in the existing
5 registration."

6 RESPONSE: Admitted.

7
8 REQUEST FOR ADMISSION NO. 162

9 162. Admit the documents numbered CPR 000542 - CPR 000550 refer to the registration of
10 the mark CONNECT PR, registered under number 2366850, and that all goods and/or
11 services "listed in the existing registration" comprise: "Marketing and market research
12 and consulting services; public and media relations services and sales promotion
13 services."

14 RESPONSE: Admitted.

15
16 REQUEST FOR ADMISSION NO. 163

17 163. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
18 registered under number 2366850, for all goods and/or services "listed in the existing
19 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
20 was not using this mark on all "marketing" services.

21 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
22 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's use of its
23 marks is not at issue.

24
25 REQUEST FOR ADMISSION NO. 164

26 164. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
27 registered under number 2366850, for all goods and/or services "listed in the existing
28 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
was not using its mark on all "market research" services.

1 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
2 ‘market research’ services. Opposer objects to this request as being irrelevant as Opposer’s use
3 of its marks is not at issue.
4

5 REQUEST FOR ADMISSION NO. 165

6 165. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
7 registered under number 2366850, for all goods and/or services “listed in the existing
8 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
9 was not using its mark on all “consulting services.”

10 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
11 ‘consulting services.’” Opposer objects to this request as being irrelevant as Opposer’s use of its
12 marks is not at issue.
13

14 REQUEST FOR ADMISSION NO. 166

15 166. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
16 registered under number 2366850, for all goods and/or services “listed in the existing
17 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
18 was not using its mark on all “research and consulting services.”

19 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
20 ‘research and consulting services.’” Opposer objects to this request as being irrelevant as
21 Opposer’s use of its marks is not at issue.
22

23 REQUEST FOR ADMISSION NO. 167

24 167. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
25 registered under number 2366850, for all goods and/or services “listed in the existing
26 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
27 was not using its mark on all “market research and consulting services.”

28 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
‘market research and consulting services.’” Opposer objects to this request as being irrelevant as

1 Opposer's use of its marks is not at issue.

2
3 REQUEST FOR ADMISSION NO. 168

4 168. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
5 registered under number 2366850, for all goods and/or services "listed in the existing
6 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
7 was not using its mark on all "Marketing and market research" services.

8 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
9 'Marketing and market research' services." Opposer objects to this request as being irrelevant as
10 Opposer's use of its marks is not at issue.

11
12 REQUEST FOR ADMISSION NO. 169

13 169. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
14 registered under number 2366850, for all goods and/or services "listed in the existing
15 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
16 was not using its mark on all "sales promotion services."

17 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
18 'sales promotion services.'" Opposer objects to this request as being irrelevant as Opposer's use
19 of its marks is not at issue.

20
21 REQUEST FOR ADMISSION NO. 170

22 170. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
23 registered under number 2366850, for all goods and/or services "listed in the existing
24 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
25 was using its mark for all possible "marketing" services.

26 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
27 possible 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's
28 use of its marks is not at issue.

1 REQUEST FOR ADMISSION NO. 171

2 171. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
3 registered under number 2366850, for all goods and/or services "listed in the existing
4 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
5 was using its mark for all possible "market research" services.

6 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
7 possible 'market research' services." Opposer objects to this request as being irrelevant as
8 Opposer's use of its marks is not at issue.

9
10 REQUEST FOR ADMISSION NO. 172

11 172. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
12 registered under number 2366850, for all goods and/or services "listed in the existing
13 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
14 was using its mark for all possible "consulting services."

15 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
16 possible 'consulting services.'" Opposer objects to this request as being irrelevant as Opposer's
17 use of its marks is not at issue.

18
19 REQUEST FOR ADMISSION NO. 173

20 173. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
21 registered under number 2366850, for all goods and/or services "listed in the existing
22 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
23 was using its mark for all possible "research and consulting services."

24 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
25 possible 'research and consulting services.'" Opposer objects to this request as being irrelevant
26 as Opposer's use of its marks is not at issue.

27
28 REQUEST FOR ADMISSION NO. 174

174. Admit at the time Opposer made the statement it was using the mark CONNECTPR,

1 registered under number 2366850, for all goods and/or services “listed in the existing
2 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
3 was using its mark for all possible “market research and consulting services.”

4 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
5 possible ‘market research and consulting services.’” Opposer objects to this request as being
6 irrelevant as Opposer’s use of its marks is not at issue.

7
8 REQUEST FOR ADMISSION NO. 175

9 175. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
10 registered under number 2366850, for all goods and/or services “listed in the existing
11 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
12 was using its mark for all possible “Marketing and market research” services.

13 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
14 possible ‘Marketing and market research’ services.” Opposer objects to this request as being
15 irrelevant as Opposer’s use of its marks is not at issue.

16
17 REQUEST FOR ADMISSION NO. 176

18 176. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
19 registered under number 2366850, for all goods and/or services “listed in the existing
20 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
21 was using its mark for all possible “sales promotion services.”

22 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
23 possible ‘sales promotion services.’” Opposer objects to this request as being irrelevant as
24 Opposer’s use of its marks is not at issue.

25
26 REQUEST FOR ADMISSION NO. 177

27 177. Admit the document numbered CPR 000643 produced by Opposer with Opposer’s
28 Responses to Applicants Second Set of Requests for Production of Documents and
Things, which document is attached hereto, is genuine.

1 RESPONSE: Admitted.

2
3 REQUEST FOR ADMISSION NO. 178

4 178. Admit Opposer, in the document numbered CPR 000643 produced by Opposer, states:
5 “Since our inception in 1990, serving clients in this specific market-place has been our
6 only goal. Through focus and determination, we have quickly become the largest
7 connectivity-specific PR firm in the world.”

8 RESPONSE: Admitted.

9
10 REQUEST FOR ADMISSION NO. 179

11 179. Admit Opposer statement about serving “this specific market-place” in the document
12 numbered CPR 000643 is true.

13 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in
14 Opposer’s registrations.

15
16 REQUEST FOR ADMISSION NO. 180

17 180. Admit Opposer statement about being a “connectivity-specific PR firm” in the document
18 numbered CPR 000643 is true.

19 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in
20 Opposer’s registrations.

21
22 REQUEST FOR ADMISSION NO. 181

23 181. Admit Opposer, in the document numbered CPR 000643 produced by Opposer, states
24 that it serves only the “connectivity market,” as that phrase is used in document numbered
25 CPR 000643.

26 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in
27 Opposer’s registrations.

28
REQUEST FOR ADMISSION NO. 182

1 182. Admit document numbered CPR 000643 produced by Opposer is or was a promotional
2 piece used by Opposer to secure clients in the “connectivity market.”

3 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in
4 Opposer’s registrations.

5
6 REQUEST FOR ADMISSION NO. 183

7 183. Admit document numbered CPR 000643 produced by Opposer could only be used as a
8 promotional piece Opposer with clients or prospective clients in the “connectivity
9 market.”

10 RESPONSE: Opposer objects to this request as irrelevant as Opposer’s registrations are not
11 limited to the “connectivity market.”

12
13 REQUEST FOR ADMISSION NO. 184

14 184. Admit Opposer’s pending application for registration of CONNECT MARKETING,
15 serial number 85061227, identifies as the services to be provided under this mark:
16 “Marketing, namely, business marketing services; market research and marketing
17 consulting services; public and media relations services; sales promotion services;
18 marketing consultation services in the fields of computer hardware and software;
19 marketing consultation services in the field of computer networks; marketing services,
20 namely, designing online marketing programs for social networking websites and
21 business networking websites.”

22 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.
23 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
24 this opposition proceeding.

25
26 REQUEST FOR ADMISSION NO. 185

27 185. Admit Opposer’s pending application for registration of CONNECT MARKETING,
28 serial number 85061227, has received an “office action” in which the examining attorney
states, by authority of TMEP §§1402.01, 1402.11(e): “The wording ‘Marketing and

1 market research and consulting services' in the identification of services is indefinite and
2 must be clarified to specify the type(s) of 'marketing' services. Applicant must also
3 specify the subject matter of the 'consulting services' to enable proper classification of
4 those services."

5 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

6 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
7 this opposition proceeding.

8
9 REQUEST FOR ADMISSION NO. 186

10 186. Admit Opposer's pending application for registration of CONNECT MARKETING,
11 serial number 85061227, has received an "office action" in which the examining attorney
12 states, by authority of TMEP §1402.01.: "In addition, the wording 'Computer hardware
13 and software marketing consultation services, and computer network marketing
14 consultation services' must be rewritten to more clearly identify the nature of the
15 services."

16 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

17 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
18 this opposition proceeding.

19
20 REQUEST FOR ADMISSION NO. 187

21 187. Admit Opposer's has responded to the requirements of the examining attorney in pending
22 application for registration of CONNECT MARKETING, serial number 85061227, by
23 amending its identification of services, to the following: "Marketing, namely, business
24 marketing services; market research and marketing consulting services; public and media
25 relations services; sales promotion services; marketing consultation services in the fields
26 of computer hardware and software; marketing consultation services in the field of
27 computer networks; marketing services, namely, designing online marketing programs for
28 social networking websites and business networking websites."

RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

1 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
2 this opposition proceeding.

3
4 REQUEST FOR ADMISSION NO. 188

5 188. Admit Opposer's amendment in pending application for registration of CONNECT
6 MARKETING, serial number 85061227, was entered in part to make the identification of
7 services as originally filed by Opposer definite.

8 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

9 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
10 this opposition proceeding.

11
12 REQUEST FOR ADMISSION NO. 189

13 189. Admit Opposer's amendment in pending application for registration of CONNECT
14 MARKETING, serial number 85061227, included Opposer's statement: "Applicant has
15 amended the recitation of the services patterned after the suggestions made in the Office
16 Action and to reflect terminology used in the marketplace, to be acceptably definite, and
17 to satisfy the requirements raised in the Office Action."

18 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

19 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
20 this opposition proceeding.

21
22 REQUEST FOR ADMISSION NO. 190

23 190. Admit that part of Opposer's statement that it was amending its identification of services
24 in pending application for registration of CONNECT MARKETING, serial number
25 85061227, "...to be acceptably definite..." refers specifically to meeting the examining
26 attorney's statement: "The wording 'Marketing and market research and consulting
27 services' in the identification of services is indefinite and must be clarified to specify the
28 type(s) of 'marketing' services."

RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

1 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
2 this opposition proceeding.

3
4 REQUEST FOR ADMISSION NO. 191

5 191. Admit that Opposer's has in its amendment to its identification of services in pending
6 application for registration of CONNECT MARKETING, serial number 85061227,
7 admitted the wording "Marketing and market research and consulting services" in the
8 identification of services of this application is indefinite.

9 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

10 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
11 this opposition proceeding.

12
13 REQUEST FOR ADMISSION NO. 192

14 192. Admit the wording "Marketing and market research and consulting services" is indefinite.

15 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
16 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
17 proceeding.

18
19 REQUEST FOR ADMISSION NO. 193

20 193. Admit the wording "Marketing and market research and consulting services" identified as
21 the services in the registration of the mark CONNECTPR, registered under number
22 2366850, is indefinite.

23 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
24 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
25 proceeding.

26
27 REQUEST FOR ADMISSION NO. 194

28 194. Admit the wording "Marketing and market research and consulting services" identified as
the services in the registration of the mark CONNECT PUBLIC RELATIONS, registered

1 under number 2373504, is indefinite.

2 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
3 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
4 proceeding.

5
6 REQUEST FOR ADMISSION NO. 195

7 195. Admit indefinite wording is not allowed at the U.S. Patent & Trademark Office because
8 such wording does not allow others to be apprized of the nature of services thereby
9 identified.

10 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
11 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
12 proceeding.

13
14 REQUEST FOR ADMISSION NO. 196

15 196. Admit indefinite wording is not allowed at the U.S. Patent & Trademark Office because
16 such wording does not allow others to be apprized of the nature of services thereby
17 identified because such wording is too broad.

18 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
19 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
20 proceeding.

21
22 REQUEST FOR ADMISSION NO. 197

23 197. Admit the services Opposer offers or intends to offer, as identified in pending application
24 for registration of CONNECT MARKETING, serial number 85061227, are now
25 accurately described for that mark, i.e.: "Marketing, namely, business marketing services;
26 market research and marketing consulting services; public and media relations services;
27 sales promotion services; marketing consultation services in the fields of computer
28 hardware and software; marketing consultation services in the field of computer
networks; marketing services, namely, designing online marketing programs for social

1 networking websites and business networking websites.”

2 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

3 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
4 this opposition proceeding.

5
6 REQUEST FOR ADMISSION NO. 198

7 198. Admit the services Opposer has offered under its mark CONNECT PUBLIC
8 RELATIONS, registered under number 2373504, are the same services it intends to offer
9 under its mark CONNECT MARKETING, pending application serial number 85061227.

10 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

11 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
12 this opposition proceeding.

13
14 REQUEST FOR ADMISSION NO. 199

15 199. Admit the services Opposer has offered under its mark CONNECT PUBLIC
16 RELATIONS, registered under number 2373504, are accurately described as follows:
17 “Marketing, namely, business marketing services; market research and marketing
18 consulting services; public and media relations services; sales promotion services;
19 marketing consultation services in the fields of computer hardware and software;
20 marketing consultation services in the field of computer networks; marketing services,
21 namely, designing online marketing programs for social networking websites and
22 business networking websites.”

23 RESPONSE: Opposer objects to this request as irrelevant.

24
25 REQUEST FOR ADMISSION NO. 200

26 200. Admit the services Opposer has offered under its mark CONNECTPR, registered under
27 number 2366850, are the same services it intends to offer under its mark CONNECT
28 MARKETING, pending application serial number 85061227.

RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

1 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
2 this opposition proceeding.

3
4 REQUEST FOR ADMISSION NO. 201

5 201. Admit the services Opposer has offered under its mark CONNECTPR, registered under
6 number 2366850, are accurately described as follows: "Marketing, namely, business
7 marketing services; market research and marketing consulting services; public and media
8 relations services; sales promotion services; marketing consultation services in the fields
9 of computer hardware and software; marketing consultation services in the field of
10 computer networks; marketing services, namely, designing online marketing programs for
11 social networking websites and business networking websites."

12 RESPONSE: Opposer objects to this request as irrelevant.
13

14 REQUEST FOR ADMISSION NO. 202

15 202. Admit the following services are offered by Opposer to businesses: "Marketing, namely,
16 business marketing services; market research and marketing consulting services; public
17 and media relations services; sales promotion services; marketing consultation services in
18 the fields of computer hardware and software; marketing consultation services in the field
19 of computer networks; marketing services, namely, designing online marketing programs
20 for social networking websites and business networking websites."

21 RESPONSE: Opposer objects to this request as irrelevant.
22

23 REQUEST FOR ADMISSION NO. 203

24 203. Admit the following services are offered by Opposer to businesses in the connectivity
25 market: "Marketing, namely, business marketing services; market research and marketing
26 consulting services; public and media relations services; sales promotion services;
27 marketing consultation services in the fields of computer hardware and software;
28 marketing consultation services in the field of computer networks; marketing services,
namely, designing online marketing programs for social networking websites and

business networking websites.”

RESPONSE: Opposer objects to this request as irrelevant as Opposer’s registrations are not limited to the “connectivity market.”

REQUEST FOR ADMISSION NO. 204

204. Admit the following services are offered by Opposer only to businesses: “Marketing, namely, business marketing services; market research and marketing consulting services; public and media relations services; sales promotion services; marketing consultation services in the fields of computer hardware and software; marketing consultation services in the field of computer networks; marketing services, namely, designing online marketing programs for social networking websites and business networking websites.”

RESPONSE: Opposer objects to this request as irrelevant.

REQUEST FOR ADMISSION NO. 205

205. Admit Opposer provides to businesses in the connectivity market: “Marketing, namely, business marketing services; market research and marketing consulting services; public and media relations services; sales promotion services; marketing consultation services in the fields of computer hardware and software; marketing consultation services in the field of computer networks; marketing services, namely, designing online marketing programs for social networking websites and business networking websites.”

RESPONSE: Opposer objects to this request as irrelevant as Opposer’s registrations are not limited to the “connectivity market.”

REQUEST FOR ADMISSION NO. 206

206. Admit Opposer does not present its Opposer’s Marks, any of them, to consumers.

RESPONSE: Opposer objects to this request as irrelevant.

REQUEST FOR ADMISSION NO. 207

207. Admit Opposer does not present its Opposer’s Marks, any of them, to clients or

1 prospective clients outside “the connectivity market,” as this term is used by Opposer in
2 document CPR 000643.

3 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
4 classes of customers, or channels of trade in Opposer’s registrations are limited to the
5 “connectivity market.”

6
7 REQUEST FOR ADMISSION NO. 208

8 208. Admit Opposer does not present its Opposer’s Marks, any of them, to clients or
9 prospective clients having business outside the high technology markets.

10 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
11 classes of customers, or channels of trade in Opposer’s registrations are limited as stated in the
12 request.

13
14 REQUEST FOR ADMISSION NO. 209

15 209. Admit Opposer does not present its Opposer’s Marks, any of them, to clients or
16 prospective clients having business outside the technology markets.

17 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
18 classes of customers, or channels of trade in Opposer’s registrations are limited as stated in the
19 request.

20
21 REQUEST FOR ADMISSION NO. 210

22 210. Admit all Opposer’s clients are within “the connectivity market,” as this term is used by
23 Opposer in document CPR 000643.

24 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
25 classes of customers, or channels of trade in Opposer’s registrations are limited to the
26 “connectivity market.” Opposer further objects as none of the goods or services, classes of
27 customers, or channels of trade in the Applicant’s application are limited to the “connectivity
28 market.” Opposer further objects to this request as vague.

1 REQUEST FOR ADMISSION NO. 211

2 211. Admit Opposer's clients which are not within "the connectivity market," as this term is
3 used by Opposer in document CPR 000643, are within the high technology markets.

4 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
5 classes of customers, or channels of trade in Opposer's registrations are limited to the
6 "connectivity market." Opposer further objects as none of the goods or services, classes of
7 customers, or channels of trade in the Applicant's application are limited to the "connectivity
8 market." Opposer further objects to this request as vague.

9
10 REQUEST FOR ADMISSION NO. 212

11 212. Admit "the connectivity market" of Opposer, as this term is used by Opposer in document
12 CPR 000643, is a segment of the high technology markets.

13 RESPONSE: Opposer objects to the request as vague as it is unclear of the meaning of the term
14 "segment." Opposer objects to this request as irrelevant as none of the goods or services, classes
15 of customers, or channels of trade in Opposer's registrations are limited to the "connectivity
16 market." Opposer further objects as none of the goods or services, classes of customers, or
17 channels of trade in the Applicant's application are limited to the "connectivity market."

18
19 REQUEST FOR ADMISSION NO. 213

20 213. Admit all of Opposer's clients provide high technology goods or services.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of Opposer's
22 registrations limit the goods and services provided by Opposer's clients.

23
24 REQUEST FOR ADMISSION NO. 214

25 214. Admit all of Opposer's clients provide technology goods or services.

26 RESPONSE: Opposer objects to this request as vague and irrelevant as none of Opposer's
27 registrations limit the goods and services provided by Opposer's clients.

28
REQUEST FOR ADMISSION NO. 215

1 215. Admit Opposer has never supplied any of its goods or services to consumers.

2 RESPONSE: Opposer objects to this request as irrelevant and vague.

3
4 REQUEST FOR ADMISSION NO. 216

5 216. Admit Opposer's goods and/or services are limited to "connectivity" services, as this term
6 is used by Opposer in document CPR 000643.

7 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
8 classes of customers, or channels of trade in Opposer's registrations are limited to the
9 "connectivity services." Opposer further objects as none of the goods or services, classes of
10 customers, or channels of trade in the Applicant's application are limited to the "connectivity
11 services." Opposer further objects to this request as vague.

12
13 REQUEST FOR ADMISSION NO. 217

14 217. Admit Opposer's goods and/or services are limited to "high technology" services.

15 RESPONSE: Opposer objects to this request as irrelevant as none of Opposer's registrations
16 limit the goods and services provided by Opposer.

17
18 REQUEST FOR ADMISSION NO. 218

19 218. Admit Opposer offers or supplies its goods or services to clients which make or distribute
20 high technology goods or services.

21 RESPONSE: Opposer objects to this request as irrelevant as none of Opposer's registrations
22 limit the goods and services provided by Opposer.

23
24 REQUEST FOR ADMISSION NO. 219

25 219. Admit Opposer intends to offer or supply under the mark CONNECT MARKETING only
26 those goods or services identified in its pending application for registration of CONNECT
27 MARKETING, serial number 85061227.

28 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
upon any of its CONNECT MARKETING applications in this opposition proceeding.

1
2 REQUEST FOR ADMISSION NO. 220

3 220. Admit Opposer has offered or supplied under the mark CONNECTPR only those goods
4 or services identified in its pending application for registration of CONNECT
5 MARKETING, serial number 85061227.

6 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
7 upon any of its CONNECT MARKETING applications in this opposition proceeding.
8

9 REQUEST FOR ADMISSION NO. 222

10 221. Admit Opposer has offered or supplied under the mark CONNECT PUBLIC
11 RELATIONS only those goods or services identified in its pending application for
12 registration of CONNECT MARKETING, serial number 85061227.

13 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
14 upon any of its CONNECT MARKETING applications in this opposition proceeding.
15

16 REQUEST FOR ADMISSION NO. 222

17 222. Admit Opposer has offered or supplied the same goods or services under the mark
18 CONNECTPR as it has offered or supplied under the mark CONNECT PUBLIC
19 RELATIONS.

20 RESPONSE: Opposer objects to this request as irrelevant and vague.
21

22 REQUEST FOR ADMISSION NO. 223

23 223. Admit Opposer does not offer only some of its goods or services under the mark
24 CONNECTPR.

25 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
26 issue in this proceeding.
27

28 REQUEST FOR ADMISSION NO. 224

224. Admit Opposer offers all of its goods and services under the mark CONNECTPR.

1 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
2 issue in this proceeding.

3
4 REQUEST FOR ADMISSION NO. 225

5 225. Admit Opposer does not offer only some of its goods or services under the mark
6 CONNECT PUBLIC RELATIONS.

7 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
8 issue in this proceeding.

9
10 REQUEST FOR ADMISSION NO. 226

11 226. Admit Opposer offers all of its goods and services under the mark CONNECT PUBLIC
12 RELATIONS.

13 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
14 issue in this proceeding.

15
16 REQUEST FOR ADMISSION NO. 227

17 227. Admit Opposer intends to offer or supply the same goods or services under the mark
18 CONNECT MARKETING, serial number 85061227, as it has offered or supplied under
19 the mark CONNECT PUBLIC RELATIONS.

20 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
21 upon any of its CONNECT MARKETING applications in this opposition proceeding.

22
23 REQUEST FOR ADMISSION NO. 228

24 228. Admit Opposer intends to offer or supply the same goods or services under the mark
25 CONNECT MARKETING, serial number 85061227, as it has offered or supplied under
26 the mark CONNECTPR.

27 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
28 upon any of its CONNECT MARKETING applications in this opposition proceeding.

1 REQUEST FOR ADMISSION NO. 229

2 229. Admit Opposer does not intend to offer only some of its goods or services under the mark
3 CONNECT MARKETING, serial number 85061227.

4 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
5 upon any of its CONNECT MARKETING applications in this opposition proceeding.

7 REQUEST FOR ADMISSION NO. 230

8 230. Admit Opposer intends to offer all of its goods and services under the mark CONNECT
9 MARKETING, serial number 85061227.

10 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
11 upon any of its CONNECT MARKETING applications in this opposition proceeding.

13 REQUEST FOR ADMISSION NO. 231

14 231. Admit Opposer does not offer or provide all services which may be described by the
15 words: "Marketing and market research and consulting services; public and media
16 relations services and sales promotion services."

17 RESPONSE: Opposer objects to this request as irrelevant, unduly burdensome and vague as it is
18 unclear what constitutes "all services." Opposer further objects that the services it provides is not
19 at issue.

21 REQUEST FOR ADMISSION NO. 232

22 232. Admit the documents numbered CPR 000673 - CPR 000674 produced by Opposer with
23 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, which documents are attached hereto, are genuine.

25 RESPONSE: Admitted.

27 REQUEST FOR ADMISSION NO. 233

28 233. Admit the activity referred to as "building rapport" in documents numbered CPR 000673
- CPR 000674, produced by Opposer with Opposer's Responses to Applicants Second Set

1 of Requests for Production of Documents and Things, is an activity conducted by firms
2 which engage in "public relations" work for others.

3 RESPONSE: Opposer admits that "building rapport" may be an activity conducted by firms that
4 engage in public relations and marketing.

5
6 REQUEST FOR ADMISSION NO. 234

7 234. Admit the activity referred to as "educating press and analysts" in documents numbered
8 CPR 000673 - CPR 000674, produced by Opposer with Opposer's Responses to
9 Applicants Second Set of Requests for Production of Documents and Things, is an
10 activity conducted by firms which engage in "public relations" work for others.

11 RESPONSE: Opposer admits that "educating press and analysts" may be an activity conducted
12 by firms that engage in public relations and marketing.

13
14 REQUEST FOR ADMISSION NO. 235

15 235. Admit the activity referred to as "selling your model" in documents numbered CPR
16 000673 - CPR 000674, produced by Opposer with Opposer's Responses to Applicants
17 Second Set of Requests for Production of Documents and Things, is an activity conducted
18 by firms which engage in "public relations" work for others.

19 RESPONSE: Opposer admits that "selling your model" may be an activity conducted by firms
20 that engage in public relations and marketing.

21
22 REQUEST FOR ADMISSION NO. 236

23 236. Admit the activity referred to as "garnering effective coverage" in documents numbered
24 CPR 000673 - CPR 000674, produced by Opposer with Opposer's Responses to
25 Applicants Second Set of Requests for Production of Documents and Things, is an
26 activity conducted by firms which engage in "public relations" work for others.

27 RESPONSE: Opposer admits that "garnering effective coverage" may be an activity conducted
28 by firms that engage in public relations and marketing.

1 REQUEST FOR ADMISSION NO. 237

2 237. Admit Opposer undertakes projects for clients after submitting fixed-cost bids, consistent
3 with its statement contained in documents numbered CPR 000673 - CPR 000674.

4 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
5 Opposer's registrations are limited to be only provided "after submitting fixed-cost bids."

6
7 REQUEST FOR ADMISSION NO. 238

8 238. Admit Opposer works on projects for clients after submitting fixed-cost bids, consistent
9 with its statement contained in documents numbered CPR 000673 - CPR 000674.

10 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
11 Opposer's registrations are limited to be only provided "after submitting fixed-cost bids."

12
13 REQUEST FOR ADMISSION NO. 239

14 239. Admit Opposer works for its clients on a project basis, consistent with its fixed-cost bids.

15 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
16 Opposer's registrations are limited to be only provided "with its fixed-cost bids."

17
18 REQUEST FOR ADMISSION NO. 240

19 240. Admit Opposer only works for its clients on a project basis, consistent with its fixed-cost
20 bids.

21 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
22 Opposer's registrations are limited to be only provided "with its fixed-cost bids."

23
24 REQUEST FOR ADMISSION NO. 241

25 241. Admit the documents numbered CPR 000693 - CPR 000694 produced by Opposer with
26 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
27 and Things, which documents are attached hereto, are genuine.

28 RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 242

2 242. Admit the product referred to as “media kits” in documents numbered CPR 000693 -
3 CPR 000694, produced by Opposer with Opposer’s Responses to Applicants Second Set
4 of Requests for Production of Documents and Things, is an item produced by firms which
5 engage in “public relations” work for others.

6 RESPONSE: Opposer admits that "media kits" may be an item produced by firms that engage in
7 public relations and marketing.
8

9 REQUEST FOR ADMISSION NO. 243

10 243. Admit the product referred to as “press releases” in documents numbered CPR 000693 -
11 CPR 000694, produced by Opposer with Opposer’s Responses to Applicants Second Set
12 of Requests for Production of Documents and Things, is an item produced by firms which
13 engage in “public relations” work for others.

14 RESPONSE: Opposer admits that "press releases" may be an item produced by firms that engage
15 in public relations and marketing.
16

17 REQUEST FOR ADMISSION NO. 244

18 244. Admit the product referred to as “product backgrounders” in documents numbered CPR
19 000693 - CPR 000694, produced by Opposer with Opposer’s Responses to Applicants
20 Second Set of Requests for Production of Documents and Things, is an item produced by
21 firms which engage in “public relations” work for others.

22 RESPONSE: Opposer admits that "product backgrounders" may be an item produced by firms
23 that engage in public relations and marketing.
24

25 REQUEST FOR ADMISSION NO. 245

26 245. Admit the product referred to as “market white papers” in documents numbered CPR
27 000693 - CPR 000694, produced by Opposer with Opposer’s Responses to Applicants
28 Second Set of Requests for Production of Documents and Things, is an item produced by
firms which engage in “public relations” work for others.

1 RESPONSE: Opposer admits that "market white papers" may be an item produced by firms that
2 engage in public relations and marketing.

3
4 REQUEST FOR ADMISSION NO. 246

5 246. Admit the product referred to as "technology briefs" in documents numbered CPR
6 000693 - CPR 000694, produced by Opposer with Opposer's Responses to Applicants
7 Second Set of Requests for Production of Documents and Things, is an item produced by
8 firms which engage in "public relations" work for others.

9 RESPONSE: Opposer admits that "technology briefs" may be an item produced by firms that
10 engage in public relations and marketing.

11
12 REQUEST FOR ADMISSION NO. 247

13 247. Admit the product referred to as "announcement videos" in documents numbered CPR
14 000693 - CPR 000694, produced by Opposer with Opposer's Responses to Applicants
15 Second Set of Requests for Production of Documents and Things, is an item produced by
16 firms which engage in "public relations" work for others.

17 RESPONSE: Opposer admits that "announcement videos" may be an item produced by firms that
18 engage in public relations and marketing.

19
20 REQUEST FOR ADMISSION NO. 248

21 248. Admit the document numbered CPR 000963 produced by Opposer with Opposer's
22 Responses to Applicants Second Set of Requests for Production of Documents and
23 Things, which document is attached hereto, is genuine.

24 RESPONSE: Admitted.

25
26 REQUEST FOR ADMISSION NO. 249

27 249. Admit the phrase "high-tech PR firm," as that phrase is used by Opposer in the document
28 numbered CPR 000963, implies Opposer markets its services to high-tech clients and
potential clients.

1 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
2 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

3
4 REQUEST FOR ADMISSION NO. 250

5 250. Admit the phrase "high-tech PR firm," as that phrase is used by Opposer in the document
6 numbered CPR 000963, implies Opposer markets its services only to high-tech clients
7 and potential clients.

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
9 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

10
11 REQUEST FOR ADMISSION NO. 251

12 251. Admit the meaning implied by the phrase "high-tech PR firm," as that phrase is used by
13 Opposer in the document numbered CPR 000963, is true.

14 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
15 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

16
17 REQUEST FOR ADMISSION NO. 252

18 252. Admit Opposer is a "high-tech PR firm," as that phrase is used by Opposer in the
19 document numbered CPR 000963.

20 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
21 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

22
23 REQUEST FOR ADMISSION NO. 253

24 253. Admit Opposer markets its goods and services to high-tech clients and potential clients.

25 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
26 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

27
28 REQUEST FOR ADMISSION NO. 254

254. Admit Opposer markets its services only to high-tech clients and potential clients.

1 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
2 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

3
4 REQUEST FOR ADMISSION NO. 255

5 255. Admit the to high-tech clients and potential clients to which Opposer directs its own
6 marketing efforts are those in the "connectivity market."

7 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
8 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
9 are limited to "high-tech" or the "connectivity market."

10
11 REQUEST FOR ADMISSION NO. 256

12 256. Admit the to high-tech clients and potential clients to which Opposer directs its own
13 marketing efforts are only those in the "connectivity market."

14 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
15 classes of customers, or channels of trade in Opposer's registrations or Applicant's applications
16 are limited to "high-tech" or the "connectivity market."

17
18 REQUEST FOR ADMISSION NO. 257

19 257. Admit the statement "Connectivity has been our sole focus for 18 years," as that phrase is
20 used by Opposer in the document numbered CPR 000963, implies Opposer markets its
21 services only to clients and potential clients within the "connectivity market."

22 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
23 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
24 are limited to the "connectivity market."

25
26 REQUEST FOR ADMISSION NO. 258

27 258. Admit the statement "Connectivity has been our sole focus for 18 years," as that phrase is
28 used by Opposer in the document numbered CPR 000963, is true.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,

1 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
2 are limited to "connectivity."

3
4 REQUEST FOR ADMISSION NO. 259

5 259. Admit the document numbered CPR 001016 produced by Opposer with Opposer's
6 Responses to Applicants Second Set of Requests for Production of Documents and
7 Things, which document is attached hereto, is genuine.

8 RESPONSE: Admitted.

9
10 REQUEST FOR ADMISSION NO. 260

11 260. Admit Opposer sponsors "press summits," as that phrase is used in the document
12 numbered CPR 001016 produced by Opposer.

13 RESPONSE: Opposer objects to this request as irrelevant.

14
15 REQUEST FOR ADMISSION NO. 261

16 261. Admit Opposer routinely sponsors "press summits," as that phrase is used in the
17 document numbered CPR 001016 produced by Opposer, in the normal course of its
18 services for its clients.

19 RESPONSE: Opposer objects to this request as irrelevant.

20
21 REQUEST FOR ADMISSION NO. 262

22 262. Admit Opposer's "press summits" involves "face-to-face" interaction between Opposer
23 and journalists.

24 RESPONSE: Opposer objects to this request as irrelevant.

25
26 REQUEST FOR ADMISSION NO. 263

27 263. Admit Opposer's "press summits" involves "face-to-face" interaction between Opposer's
28 clients and journalists.

RESPONSE: Opposer objects to this request as irrelevant.

1 REQUEST FOR ADMISSION NO. 264

2 264. Admit Opposer's "press summits" involves "one-on-one" interaction between Opposer
3 and journalists.

4 RESPONSE: Opposer objects to this request as irrelevant.
5

6 REQUEST FOR ADMISSION NO. 265

7 265. Admit Opposer's "press summits" involves "one-on-one" interaction between Opposer's
8 clients and journalists.

9 RESPONSE: Opposer objects to this request as irrelevant.
10

11 REQUEST FOR ADMISSION NO. 266

12 266. Admit the document numbered CPR 001086 produced by Opposer with Opposer's
13 Responses to Applicants Second Set of Requests for Production of Documents and
14 Things, which document is attached hereto, is genuine.

15 RESPONSE: Admitted.
16

17 REQUEST FOR ADMISSION NO. 267

18 267. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
19 CPR 001086 produced by Opposer, means clients which are in the telecommunications
20 industry.

21 RESPONSE: Opposer objects to this request as irrelevant and vague. Opposer objects to this
22 request as irrelevant as none of the goods or services, classes of customers, or channels of trade
23 in Opposer's registrations or Applicant's application are limited to "connectivity clients."
24

25 REQUEST FOR ADMISSION NO. 268

26 268. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
27 CPR 001086 produced by Opposer, includes clients which are in the telecommunications
28 industry.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,

1 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
2 are limited to "connectivity clients" or the "telecommunications industry."

3
4 REQUEST FOR ADMISSION NO. 269

5 269. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
6 CPR 001086 produced by Opposer, means clients which supply communications for
7 others.

8 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
9 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
10 of the goods or services, classes of customers, or channels of trade in Opposer's registrations or
11 Applicant's application are limited to "connectivity clients."

12
13 REQUEST FOR ADMISSION NO. 270

14 270. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
15 CPR 001086 produced by Opposer, includes clients which supply communications for
16 others.

17 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
18 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
19 of the goods or services, classes of customers, or channels of trade in Opposer's registrations or
20 Applicant's application are limited to "connectivity clients."

21
22 REQUEST FOR ADMISSION NO. 271

23 271. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
24 CPR 001086 produced by Opposer, means only clients which supply communications for
25 others.

26 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
27 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
28 of the goods or services, classes of customers, or channels of trade in Opposer's registrations or
Applicant's application are limited to "connectivity clients."

1
2 REQUEST FOR ADMISSION NO. 272

3 272. Admit the phrase “connectivity clients,” as that phrase is used in the document numbered
4 CPR 001086 produced by Opposer, includes only clients which supply communications
5 for others.

6 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
7 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
8 of the goods or services, classes of customers, or channels of trade in Opposer’s registrations or
9 Applicant’s application are limited to “connectivity clients.”

10
11 REQUEST FOR ADMISSION NO. 273

12 273. Admit the phrase “connectivity clients,” as that phrase is used in the document numbered
13 CPR 001086 produced by Opposer, includes clients which supply communications for
14 consumers.

15 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
16 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
17 of the goods or services, classes of customers, or channels of trade in Opposer’s registrations or
18 Applicant’s application are limited to “connectivity clients.”

19
20 REQUEST FOR ADMISSION NO. 274

21 274. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer with
22 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
23 and Things, which documents are attached hereto, are genuine.

24 RESPONSE: Admitted.

25
26 REQUEST FOR ADMISSION NO. 275

27 275. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
28 Opposer “manages stories” relating to its clients.

RESPONSE: Admitted.

1
2 REQUEST FOR ADMISSION NO. 276

3 276. Admit the statement by Opposer in which its says Opposer “manages stories” relating to
4 its clients, as set forth in documents numbered CPR 001130 - CPR 001145 produced by
5 Opposer, is true.

6 RESPONSE: Admitted.
7

8 REQUEST FOR ADMISSION NO. 277

9 277. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
10 Opposer “scans published editorial calendars” for its clients.

11 RESPONSE: Admitted.
12

13 REQUEST FOR ADMISSION NO. 278

14 278. Admit the statement by Opposer in which its says Opposer “scans published editorial
15 calendars” for its clients, as set forth in documents numbered CPR 001130 - CPR 001145
16 produced by Opposer, is true.

17 RESPONSE: Admitted.
18

19 REQUEST FOR ADMISSION NO. 279

20 279. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
21 Opposer “manage the review process” for its clients.

22 RESPONSE: Admitted.
23

24 REQUEST FOR ADMISSION NO. 280

25 280. Admit the statement by Opposer in which its says Opposer “manage the review process”
26 for its clients, as set forth in documents numbered CPR 001130 - CPR 001145 produced
27 by Opposer, is true.

28 RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 281

2 281. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
3 Opposer "pitch stories" for its clients.

4 RESPONSE: Admitted.

6 REQUEST FOR ADMISSION NO. 282

7 282. Admit the statement by Opposer in which its says Opposer "pitch stories" for its clients,
8 as set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is
9 true.

10 RESPONSE: Admitted.

12 REQUEST FOR ADMISSION NO. 283

13 283. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
14 Opposer's goal for its clients is to obtain press coverage of the following kinds: "product
15 stories" and "case studies" and "Q&A's" [sic] and "company and executive profiles" and
16 by-lined technical articles" and "column ideas" and "managed reviews."

17 RESPONSE: Opposer admits that this is the goal for some of its clients.

18 \

19 REQUEST FOR ADMISSION NO. 284

20 284. Admit the statement by Opposer in which its says Opposer's goal for its clients about
21 "product stories" and "case studies" and "Q&A's" [sic] and "company and executive
22 profiles" and by-lined technical articles" and "column ideas" and "managed reviews," as
23 set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is
24 true.

25 RESPONSE: Opposer admits that this is the goal for some of its clients.

27 REQUEST FOR ADMISSION NO. 285

28 285. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer with
Opposer's Responses to Applicants Second Set of Requests for Production of Documents

1 and Things, which documents are attached hereto, are genuine.

2 RESPONSE: Admitted.

3
4 REQUEST FOR ADMISSION NO. 286

5 286. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
6 analysis of "social media."

7 RESPONSE: Opposer objects to this request as irrelevant and vague.

8
9 REQUEST FOR ADMISSION NO. 287

10 287. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
11 analysis which measures "social media."

12 RESPONSE: Opposer objects to this request as irrelevant and vague.

13
14 REQUEST FOR ADMISSION NO. 288

15 288. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
16 analysis of "social media" which may be used as Opposer supplies its goods and services
17 to its clients.

18 RESPONSE: Opposer objects to this request as irrelevant and vague.

19
20 REQUEST FOR ADMISSION NO. 289

21 289. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
22 analysis of "social media" which may be presented to its clients.

23 RESPONSE: Opposer objects to this request as irrelevant and vague.

24
25 REQUEST FOR ADMISSION NO. 290

26 290. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
27 "social media" may be presented to Opposer's social media clients.

28 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
media clients."

1 REQUEST FOR ADMISSION NO. 291

2 291. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
3 "social media" may be particularly useful in providing Opposer's goods and services to
4 its social media clients.

5 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
6 media clients."

7
8 REQUEST FOR ADMISSION NO. 292

9 292. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
10 "social media" was developed to be useful in providing Opposer's goods and services to
11 its social media clients.

12 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
13 media clients."

14
15 REQUEST FOR ADMISSION NO. 293

16 293. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
17 "social media" may be particularly useful in providing Opposer's goods and services to
18 its social media clients.

19 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
20 media clients."

21
22 REQUEST FOR ADMISSION NO. 294

23 294. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
24 "social media" may be particularly useful in providing Opposer's PR services to its social
25 media clients.

26 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
27 media clients."

28
REQUEST FOR ADMISSION NO. 295

1 295. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
2 "social media" does not say Opposer is itself a supplier of "social media" services.

3 RESPONSE: Denied.

4
5 REQUEST FOR ADMISSION NO. 296

6 296. Admit the analysis set forth in documents numbered CPR 001459 - CPR 001473
7 produced by Opposer about "social media" may allow Opposer's clients to better present
8 their brands to those who use "social media" services.

9 RESPONSE: Opposer objects to this request as irrelevant and vague.

10
11 REQUEST FOR ADMISSION NO. 297

12 297. Admit Opposer, in providing the analysis set forth in documents numbered CPR 001459 -
13 CPR 001473 produced by Opposer, does not present Opposer's Marks to those who use
14 "social media" services.

15 RESPONSE: Denied.

16
17 REQUEST FOR ADMISSION NO. 298

18 298. Admit Opposer, in providing any measurement or service referred to in documents
19 numbered CPR 001459 - CPR 001473 produced by Opposer, does not present Opposer's
20 Marks to those who use "social media" services.

21 RESPONSE: Denied.

22
23 REQUEST FOR ADMISSION NO. 299

24 299. Admit Opposer is not itself a supplier of "social media" services.

25 RESPONSE: Denied.

26
27 REQUEST FOR ADMISSION NO. 300

28 300. Admit Opposer is itself a supplier of "social media" services.

RESPONSE: Admitted.

1
2 REQUEST FOR ADMISSION NO. 301

3 301. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer with
4 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
5 and Things, which documents are attached hereto, are genuine.

6 RESPONSE: Admitted.
7

8 REQUEST FOR ADMISSION NO. 302

9 302. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer is an
10 analysis of the "technology market."

11 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
12 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
13 are limited to the "technology market."
14

15 REQUEST FOR ADMISSION NO. 303

16 303. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer is an
17 analysis of the "technology market" which may be used as Opposer supplies its goods and
18 services to its clients.

19 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
20 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
21 are limited to the "technology market."
22

23 REQUEST FOR ADMISSION NO. 304

24 304. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer is an
25 analysis of the "technology market" which may be presented to its clients.

26 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
27 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
28 are limited to the "technology market."

1 REQUEST FOR ADMISSION NO. 305

2 305. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
3 the "technology market" may be presented to Opposer's social media clients.

4 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
5 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
6 are limited to the "technology market." Opposer further objects to this request as vague as the
7 meaning of the phrase "social media clients" is unclear.

8
9 REQUEST FOR ADMISSION NO. 306

10 306. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
11 the "technology market" may be particularly useful in providing Opposer's goods and
12 services to its "technology" clients.

13 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
14 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
15 are limited to the "technology market." Opposer further objects to this request as vague as the
16 meaning of the phrase "technology clients" is unclear.

17
18 REQUEST FOR ADMISSION NO. 307

19 307. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
20 the "technology market" was developed to be useful in providing Opposer's goods and
21 services to its "technology" clients.

22 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
23 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
24 are limited to the "technology market." Opposer further objects to this request as vague as the
25 meaning of the phrase "technology clients" is unclear.

26
27 REQUEST FOR ADMISSION NO. 308

28 308. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
the "technology market" may be particularly useful in providing Opposer's goods and

1 services to its “technology” clients.

2 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
3 classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application
4 are limited to the “technology market.” Opposer further objects to this request as vague as the
5 meaning of the phrase “technology clients” is unclear.

6
7 REQUEST FOR ADMISSION NO. 309

8 309. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
9 the “technology market” may be particularly useful in providing Opposer’s PR services to
10 its “technology” clients.

11 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
12 classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application
13 are limited to the “technology market.” Opposer further objects to this request as vague as the
14 meaning of the phrase “technology clients” is unclear.

15
16 REQUEST FOR ADMISSION NO. 310

17 310. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
18 the “technology market” does not say Opposer is itself a supplier of “technology”
19 services.

20 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
21 classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application
22 are limited to the “technology market.” Opposer further objects to this request as vague as the
23 meaning of the phrase “technology services” is unclear.

24
25 REQUEST FOR ADMISSION NO. 311

26 311. Admit the analysis set forth in documents numbered CPR 001830 - CPR 001843
27 produced by Opposer about the “technology market” may allow Opposer’s clients to
28 better present their brands to those who use “technology” services.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,

1 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
2 are limited to the "technology market." Opposer further objects to this request as vague as the
3 meaning of the phrase "technology services" is unclear.

4
5 REQUEST FOR ADMISSION NO. 312

6 312. Admit Opposer, in providing the analysis set forth in documents numbered CPR 001830 -
7 CPR 001843 produced by Opposer, does not present Opposer's Marks to those who use
8 "technology" services.

9 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
10 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
11 are limited to "technology services." Opposer further objects to this request as vague as the
12 meaning of the phrase "technology services" is unclear.

13 REQUEST FOR ADMISSION NO. 313

14 313. Admit Opposer, in providing any measurement or service referred to in documents
15 numbered CPR 001830 - CPR 001843 produced by Opposer, does not present Opposer's
16 Marks to those who use "technology" services.

17 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
18 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
19 are limited to "technology services." Opposer further objects to this request as vague as the
20 meaning of the phrase "technology services" is unclear.

21
22 REQUEST FOR ADMISSION NO. 314

23 314. Admit Opposer is not itself a supplier of "technology" services.

24 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
25 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
26 are limited to "technology services." Opposer further objects to this request as vague as the
27 meaning of the phrase "technology services" is unclear.

28
REQUEST FOR ADMISSION NO. 315

1 315. Admit Opposer is itself a supplier of "technology" services.

2 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
3 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
4 are limited to "technology services." Opposer further objects to this request as vague as the
5 meaning of the phrase "technology services" is unclear.

6
7 REQUEST FOR ADMISSION NO. 316

8 316. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer with
9 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
10 and Things, which documents are attached hereto, are genuine.

11 RESPONSE: Admitted.

12
13 REQUEST FOR ADMISSION NO. 317

14 317. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer, was
15 created on or about the time Opposer applied to register its mark CONNECTPR with the
16 U.S. Patent & Trademark Office.

17 RESPONSE: Admitted.

18
19 REQUEST FOR ADMISSION NO. 318

20 318. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer, was
21 created on or about the time Opposer applied to register its mark CONNECT PUBLIC
22 RELATIONS with the U.S. Patent & Trademark Office.

23 RESPONSE: Admitted.

24
25 REQUEST FOR ADMISSION NO. 319

26 319. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer with
27 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
28 and Things, is about Opposer's business.

RESPONSE: Opposer admits that the documents numbered CPR 001900 - CPR 001927 are

1 about the Opposer's business when the documents were created.

2
3 REQUEST FOR ADMISSION NO. 320

4 320. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
5 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
6 and Things, which documents are attached hereto, are genuine.

7 RESPONSE: Admitted.

8
9 REQUEST FOR ADMISSION NO. 321

10 321. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
11 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
12 and Things, is about Opposer's business.

13 RESPONSE: Opposer admits that the documents numbered CPR 001928 - CPR 001936 are
14 about the Opposer's when the documents were created.

15
16 REQUEST FOR ADMISSION NO. 322

17 322. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
18 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
19 and Things, specifically discusses the markets for Opposer's business.

20 RESPONSE: Denied.

21
22 REQUEST FOR ADMISSION NO. 323

23 323. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
24 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
25 and Things, specifically discusses the tools of Opposer's business.

26 RESPONSE: Opposer objects to this request as irrelevant and vague as it is unclear to the
27 meaning of term "tools."

28
REQUEST FOR ADMISSION NO. 324

1 324. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
2 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
3 and Things, locates the offices of Opposer.

4 RESPONSE: Admitted.

5
6 REQUEST FOR ADMISSION NO. 325

7 325. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer with
8 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
9 and Things, which documents are attached hereto, are genuine.

10 RESPONSE: Admitted.

11
12 REQUEST FOR ADMISSION NO. 326

13 326. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
14 individuals in the "media" with whom Opposer's has or may discuss its clients.

15 RESPONSE: Admitted.

16
17 REQUEST FOR ADMISSION NO. 327

18 327. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
19 individuals in the "media" with whom Opposer's has or may discuss its clients for the
20 benefit of Opposer's clients.

21 RESPONSE: Admitted.

22
23 REQUEST FOR ADMISSION NO. 328

24 328. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
25 individuals in the "media" with whom Opposer's has or may discuss its clients to gain
26 additional media coverage for Opposer's clients.

27 RESPONSE: Admitted.

28
REQUEST FOR ADMISSION NO. 329

1 329. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
2 Opposer uses discussions with individuals in the “media” as a means to conduct
3 Opposer’s business.

4 RESPONSE: Admitted.

5
6 REQUEST FOR ADMISSION NO. 330

7 330. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
8 Opposer uses discussions with individuals in the “media” as a primary means to conduct
9 Opposer’s business.

10 RESPONSE: Opposer admits that discussions with individuals in the “media” is one means it
11 uses to conduct its business.

12
13 REQUEST FOR ADMISSION NO. 331

14 331. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer with
15 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
16 and Things, which documents are attached hereto, are genuine.

17 RESPONSE: Admitted.

18
19 REQUEST FOR ADMISSION NO. 332

20 332. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
21 individuals who are “analysts” with whom Opposer’s has or may discuss its clients.

22 RESPONSE: Admitted.

23
24 REQUEST FOR ADMISSION NO. 333

25 333. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
26 individuals who are “analysts” with whom Opposer’s has or may discuss its clients for
27 the benefit of Opposer’s clients.

28 RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 334

2 334. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
3 individuals who are “analysts” with whom Opposer’s has or may discuss its clients to
4 gain additional favorable coverage for Opposer’s clients.

5 RESPONSE: Admitted.

6
7 REQUEST FOR ADMISSION NO. 335

8 335. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
9 Opposer uses discussions with individuals who are “analysts” as a means to conduct
10 Opposer’s business.

11 RESPONSE: Admitted.

12
13 REQUEST FOR ADMISSION NO. 336

14 336. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
15 Opposer uses discussions with individuals who are “analysts” as a primary means to
16 conduct Opposer’s business.

17 RESPONSE: Opposer admits that it uses discussions with individuals who are “analysts,” but
18 denies that it is the primary means to conduct Opposer’s business.

19
20 REQUEST FOR ADMISSION NO. 337

21 337. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer with
22 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
23 and Things, which documents are attached hereto, are genuine.

24 RESPONSE: Admitted.

25
26 REQUEST FOR ADMISSION NO. 338

27 338. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
28 individuals in the “social media” with whom Opposer’s has or may discuss its clients.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 339

2 339. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
3 individuals in the "social media" with whom Opposer's has or may discuss its clients for
4 the benefit of Opposer's clients.

5 RESPONSE: Admitted.

6
7 REQUEST FOR ADMISSION NO. 340

8 340. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
9 individuals in the "social media" with whom Opposer's has or may discuss its clients to
10 gain additional media coverage for Opposer's clients.

11 RESPONSE: Admitted.

12
13 REQUEST FOR ADMISSION NO. 341

14 341. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
15 Opposer uses discussions with individuals in the "social media" as a means to conduct
16 Opposer's business.

17 RESPONSE: Admitted.

18
19 REQUEST FOR ADMISSION NO. 342

20 342. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
21 Opposer uses discussions with individuals in the "social media" as a primary means to
22 conduct Opposer's business.

23 RESPONSE: Opposer admits that it may use discussions with individuals in the "social media"
24 but denies that it is the primary means to conduct Opposer's business.

25
26 REQUEST FOR ADMISSION NO. 343

27 343. Admit the document numbered CPR 002197 produced by Opposer with Opposer's
28 Responses to Applicants Second Set of Requests for Production of Documents and
Things, which document is attached hereto, is genuine.

1 RESPONSE: Admitted.

2
3 REQUEST FOR ADMISSION NO. 344

4 344. Admit the document numbered CPR 002197 produced by Opposer sets forth a statement
5 about Opposer made by Opposer.

6 RESPONSE: Opposer objects to this request as vague since the statement is not specifically
7 identified.

8
9 REQUEST FOR ADMISSION NO. 345

10 345. Admit the document numbered CPR 002197 produced by Opposer sets for a statement
11 about Opposer, and that statement is true.

12 RESPONSE: Opposer objects to this request as vague since the statement is not specifically
13 identified.

14
15 REQUEST FOR ADMISSION NO. 346

16 346. Admit the document numbered CPR 002197 produced by Opposer sets for a statement
17 about Opposer, and that statement is at least in part false.

18 RESPONSE: Opposer objects to this request as vague since the statement is not specifically
19 identified.

20
21 REQUEST FOR ADMISSION NO. 347

22 347. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer with
23 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, which documents are attached hereto, are genuine.

25 RESPONSE: Admitted.

26
27 REQUEST FOR ADMISSION NO. 348

28 348. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
describes Opposer's business in a general way.

1 RESPONSE: Opposer admits that the documents describe some aspects of Opposer's business in
2 a general way.

3
4 REQUEST FOR ADMISSION NO. 349

5 349. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
6 describes Opposer's entire business in a general way.

7 RESPONSE: Denied.
8

9 REQUEST FOR ADMISSION NO. 350

10 350. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
11 describes in a general way the industries served by Opposer.

12 RESPONSE: Denied.
13

14 REQUEST FOR ADMISSION NO. 351

15 351. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
16 describes in a general way the industries to which Opposer markets its services.

17 RESPONSE: Denied.
18

19 REQUEST FOR ADMISSION NO. 352

20 352. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
21 describes in a general way the industries to which Opposer presents its Opposer's Marks
22 when Opposer markets its services.

23 RESPONSE: Denied.
24

25 REQUEST FOR ADMISSION NO. 353

26 353. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer with
27 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
28 and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 354

2 354. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer
3 describes Opposer's business in a general way.

4 RESPONSE: Opposer admits that the documents describe some aspects of Opposer's business in
5 a general way.

6
7 REQUEST FOR ADMISSION NO. 355

8 355. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer
9 describes some of the things Opposer does as it conducts its business.

10 RESPONSE: Admitted.

11
12 REQUEST FOR ADMISSION NO. 356

13 356. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer
14 describes Opposer's some of the things Opposer does for its clients.

15 RESPONSE: Admitted.

16
17 REQUEST FOR ADMISSION NO. 357

18 357. Admit Opposer provides no services to clients which operate in the field of manufacture
19 and sale of railroad boxcars.

20 RESPONSE: Opposer objects to this request as irrelevant.

21
22 REQUEST FOR ADMISSION NO. 358

23 358. Admit Opposer provides no services to clients which operate in the field of manufacture
24 and sale of bicycles.

25 RESPONSE: Opposer objects to this request as irrelevant.

26
27 REQUEST FOR ADMISSION NO. 359

28 359. Admit Opposer provides no services to clients which operate in the field of manufacture
and sale of basketballs.

1 RESPONSE: Opposer objects to this request as irrelevant.

2
3 REQUEST FOR ADMISSION NO. 360

4 360. Admit Opposer provides no services to clients which operate in the field of manufacture
5 and sale of oil products.

6 RESPONSE: Opposer objects to this request as irrelevant.

7
8 REQUEST FOR ADMISSION NO. 361

9 361. Admit Opposer provides no services to clients which operate in the field of utilities and
10 utility hook-ups.

11 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
12 provide are not at issue.

13
14 REQUEST FOR ADMISSION NO. 362

15 362. Admit Opposer provides no services to clients which operate in the field of comparative
16 marketing and advertising services.

17 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "operate in
18 the field of comparative marketing and advertising services" is unclear. Opposer objects to this
19 request as irrelevant as the goods and services it does not provide are not at issue.

20
21 REQUEST FOR ADMISSION NO. 363

22 363. Admit Opposer provides no audio recordings featuring music.

23 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
24 provide are not at issue.

25
26 REQUEST FOR ADMISSION NO. 364

27 364. Admit Opposer provides no prerecorded music on CD, DVD and other media.

28 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
provide are not at issue.

1
2 REQUEST FOR ADMISSION NO. 365

3 365. Admit Opposer provides no business marketing services in the nature of agency
4 representation of companies marketing a variety of services to home owners and renters,
5 namely, utility hook-ups, telecommunication services, home security services, home
6 warranties, home and yard maintenance, furniture and appliance rental.

7 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
8 provide are not at issue.

9
10 REQUEST FOR ADMISSION NO. 366

11 366. Admit Opposer provides no comparative marketing and advertising services for providers
12 of residential and business telecommunications services, namely, for providers of
13 broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite
14 television, voice over IP, and long-distance telephone services.

15 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
16 provide are not at issue.

17
18 REQUEST FOR ADMISSION NO. 367

19 367. Admit Opposer provides no operation of telephone call centers for others.

20 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
21 provide are not at issue.

22
23 REQUEST FOR ADMISSION NO. 368

24 368. Admit Opposer provides no marketing of high speed telephone, Internet, and wireless
25 access, and directing consumers to access providers.

26 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
27 provide are not at issue.

28
REQUEST FOR ADMISSION NO. 369

1 369. Admit Opposer provides no online directory information service featuring information
2 regarding, and in the nature of, classifieds.

3 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
4 provide are not at issue.

5
6 REQUEST FOR ADMISSION NO. 370

7 370. Admit Opposer provides no advertising and information distribution services, namely,
8 providing classified advertising space via the global computer network.

9 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
10 provide are not at issue.

11
12 REQUEST FOR ADMISSION NO. 371

13 371. Admit Opposer provides no promoting the goods and services of others over the Internet.

14 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
15 provide are not at issue.

16
17 REQUEST FOR ADMISSION NO. 372

18 372. Admit Opposer provides no online computer databases and on-line searchable databases
19 featuring classified listings and want ads.

20 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
21 provide are not at issue.

22
23 REQUEST FOR ADMISSION NO. 373

24 373. Admit Opposer provides no online business networking services.

25 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
26 provide are not at issue.

27
28 REQUEST FOR ADMISSION NO. 374

374. Admit Opposer provides no telephone directory information via global communications

1 networks.

2 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
3 provide are not at issue.

4
5 REQUEST FOR ADMISSION NO. 375

6 375. Admit Opposer provides no online interactive website obtaining users comments
7 concerning business organizations, service providers, and other resources.

8 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
9 provide are not at issue.

10
11 REQUEST FOR ADMISSION NO. 376

12 376. Admit Opposer provides no information, namely, compilations, rankings, ratings,
13 reviews, referrals and recommendations relating to business organizations, service
14 providers, and other resources using a global computer network.

15 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
16 provide are not at issue.

17
18 REQUEST FOR ADMISSION NO. 377

19 377. Admit Opposer provides no telephone directory information via global communications
20 networks.

21 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
22 provide are not at issue.

23
24 REQUEST FOR ADMISSION NO. 378

25 378. Admit Opposer provides no arranging for others the initiation and termination of
26 telecommunication services and utility services in the nature of water, gas and electricity
27 and consultation rendered in connection therewith.

28 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
provide are not at issue.

1
2 REQUEST FOR ADMISSION NO. 379

3 379. Admit Opposer provides no online chat rooms for registered users for transmission of
4 messages concerning classifieds, virtual community and social networking.

5 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
6 provide are not at issue.

7
8 REQUEST FOR ADMISSION NO. 380

9 380. Admit Opposer provides no on-line chat rooms and electronic bulletin boards for
10 transmission of messages among users in the field of general interest.

11 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
12 provide are not at issue.

13
14 REQUEST FOR ADMISSION NO. 381

15 381. Admit Opposer provides no email and instant messaging services.

16 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
17 provide are not at issue.

18
19 REQUEST FOR ADMISSION NO. 382

20 382. Admit Opposer provides no computer services, namely, creating an on-line community
21 for registered users to participate in discussions, get feedback from their peers, form
22 virtual communities, and engage in social networking.

23 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
24 provide are not at issue.

25
26 REQUEST FOR ADMISSION NO. 383

27 383. Admit Opposer provides no computer software development.

28 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
provide are not at issue.

1 REQUEST FOR ADMISSION NO. 384

2 384. Admit Opposer provides no application service provider (ASP) services featuring
3 software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or
4 otherwise providing electronic media or information over the Internet or other
5 communications network.

6 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
7 provide are not at issue.

8
9 REQUEST FOR ADMISSION NO. 385

10 385. Admit Opposer provides no temporary use of non-downloadable software applications for
11 classifieds, virtual community, social networking, photo sharing, video sharing, and
12 transmission of photographic images.

13 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
14 provide are not at issue.

15
16 REQUEST FOR ADMISSION NO. 386

17 386. Admit Opposer provides no computer services, namely, hosting online web facilities for
18 others for organizing and conducting online meetings, gatherings, and interactive
19 discussions.

20 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
21 provide are not at issue.

22
23 REQUEST FOR ADMISSION NO. 387

24 387. Admit Opposer provides no computer services in the nature of customized web pages
25 featuring user-defined information, personal profiles and information.

26 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
27 provide are not at issue.

28
REQUEST FOR ADMISSION NO. 388

1 388. Admit Opposer provides no on-line social networking services; internet based dating,
2 introduction and social networking services.

3 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
4 provide are not at issue.

5
6 REQUEST FOR ADMISSION NO. 389

7 389. Admit Applicant's Mark is not confusingly similar to Opposer's Marks.

8 RESPONSE: Denied.

9
10 REQUEST FOR ADMISSION NO. 390

11 390. Admit services provided to businesses may be unrelated to services provided to
12 Consumers.

13 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
14 answered.

15
16 REQUEST FOR ADMISSION NO. 391

17 391. Admit services provided to businesses may be unrelated to services provided to
18 Consumers, even when provided under the same mark.

19 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
20 answered.

21
22 REQUEST FOR ADMISSION NO. 392

23 392. Admit marks used to provide services to businesses may not be confusingly similar to
24 marks used to provide services to Consumers, if the services so provided to businesses
25 are unrelated to the services so provided to Consumers.

26 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
27 answered.

28
REQUEST FOR ADMISSION NO. 393

1 393. Admit a mark used to provide services to businesses may be identical to a mark used to
2 provide services to Consumers if the services so provided to businesses are unrelated to
3 the services so provided to Consumers.

4 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
5 answered.

6
7 REQUEST FOR ADMISSION NO. 394

8 394. Admit Opposer's Mark CONNECTPR, when used to provide services to businesses, may
9 be confusingly similar to Applicant's Mark CONNECT, when used to provide services to
10 Consumers if the services so provided to businesses are unrelated to the services so
11 provided to Consumers.

12 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
13 answered.

14
15 REQUEST FOR ADMISSION NO. 395

16 395. Admit the word "connect," as a commonly used English word, describes an ingredient,
17 quality, characteristic, function, feature, purpose, or use of many of Applicant's identified
18 services.

19 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
20 answered.

21
22 REQUEST FOR ADMISSION NO. 396

23 396. Admit businesses which supply services to Consumers present their marks to Consumers
24 to make sales.

25 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
26 answered.

27
28 REQUEST FOR ADMISSION NO. 397

397. Admit businesses which supply services to businesses present their marks to such

1 businesses to make sales.

2 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
3 answered.

4
5 REQUEST FOR ADMISSION NO. 398

6 398. Admit businesses and Consumers may be separate markets.

7 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
8 answered.

9
10 REQUEST FOR ADMISSION NO. 399

11 399. Admit a mark used by a businesses which supplies services only to other businesses may
12 not be presented to the same market as a mark used by a business which supplies services
13 only to Consumers.

14 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
15 answered.

16
17 REQUEST FOR ADMISSION NO. 400

18 400. Admit a mark used by a businesses which presents its mark only to other businesses may
19 not be confusingly similar to a mark used by a business which supplies services only to
20 Consumers.

21 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
22 answered.

23
24 REQUEST FOR ADMISSION NO. 401

25 401. Admit Opposer supplies its services only to other businesses.

26 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
27 answered.

28
REQUEST FOR ADMISSION NO. 402

1 402. Admit Opposer provides some services to Consumers.

2 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
3 answered.

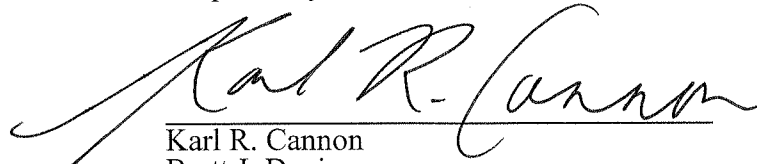
4
5 REQUEST FOR ADMISSION NO. 403

6 403. Admit Opposer's Marks are generic.

7 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
8 answered.

9
10 DATED this 5 day of December, 2011.

11
12 Respectfully submitted,

13 
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